



CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING
AUTHORITY, HOUSING AUTHORITY

AGENDA

Joint REGULAR Meeting

Wednesday, September 9, 2020 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
This meeting will be conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

PUBLIC MEETING VIEWING

❖ **Live Broadcast on Local Government Channel, Live web-streaming, and Archived videos online.**

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Spectrum(Time Warner)-Channel 24, and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

❖ **Zoom Virtual Webinar (registration required).** Register early and Join the meeting at least 15 minutes prior to the start time. To register to view/listen to the meeting, go to this public participant link https://us02web.zoom.us/webinar/register/WN_hx9hvxj3Q7qO0sjH7g8PvA for this meeting, follow the prompts to enter your name and email address. * To receive a confirmation email allowing you to enter the meeting and the link to join, you will need to enter a valid email address. Choose Gallery View to see the presentations, when applicable.

MEETING LOCATION WILL NOT BE OPEN TO THE PUBLIC.

Due to the Executive Order to stay home, in person participation at City Council meetings will not be allowed at this time. In accordance with the Executive Order to stay home, there will be no members of the public in attendance at Council Meetings. Alternatives to in-person attendance for viewing and participating in City Council meetings are being provided under Public Participation.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is posted online www.cityofsolanabeach.org Closed Session Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings.

PUBLIC PARTICIPATION

❖ Written correspondence regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at EMAILGRP-CityClerksOfc@cosb.org with the Subject line including the meeting date Sept 9, 2020. Please include the Agenda Item# and topic in your email. * Correspondence received after the official posting of the agenda, but before 12:00 p.m. on meeting day, will be distributed to Council and made available to the public online along with the agenda posting. Written submittals will be added to the record and not read out loud. * All submittals received before the start of the meeting will be made part of the record. The designated location for viewing public documents is the City's website www.cityofsolanabeach.org

❖ Zoom Webinar Public Comment Participation:

If you wish to provide a live verbal comment during the meeting, register for the Zoom Virtual (City Council Meeting) Webinar (registration required), register for the Zoom webinar as noted at the top, under Public Meeting/Zoom Webinar, and join the meeting using the "Join Webinar" link provided in your confirmation email.

1) EMAIL a Speaker Request by 12:00 p.m. (noon) on meeting day to EMAILGRP-CityClerksOfc@cosb.org

- Subject line should include Request to Speak
- Content should include the Item/Topic you would like to speak on.

AND

2) REGISTER as a speaker on meeting day by 12:00 p.m. (noon) by going to:

https://us02web.zoom.us/webinar/register/WN_hx9hvxj3Q7qO0sjH7g8PvA

and follow the required prompts to receive a confirmation email with your log in link.

- Join the meeting 30 minutes before the meeting begins by clicking on the link provided in your confirmation email.
- Speaking participants may use the computer's microphone and speakers to listen and communicate or they may also call into the meeting by dialing into the meeting with a telephone (this information will be provided in your email confirmation). If you call in as well for better audio, mute your computer's speakers to eliminate feedback.

- Participants will be called upon from those who have submitted the Speaker Request, registered, and logged on as described above. You will be called on by name and unmuted by the meeting organizer and may provide comments for the allotted time. Allotted speaker times are listed under each [Agenda](#) section.
- Participants can use a computer microphone and speakers to listen and communicate or dial into the meeting with a telephone (if you log in and call in, mute one of the devices to eliminate feedback).
- Do not self-mute since you will be muted when you enter the meeting and organizers will unmute you to provide comments. All oral comments received prior to the close of the meeting will be made part of the meeting record.

SPECIAL ASSISTANCE NEEDED - AMERICAN DISABILITIES ACT TITLE 2

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office (858) 720-2400 EMAILGRP-CityClerksOfc@cosb.org at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations offline/muted.

CITY COUNCILMEMBERS		
Jewel Edson, Mayor		
Judy Hegenauer, Deputy Mayor	Kristi Becker, Councilmember	
Kelly Harless, Councilmember	David A. Zito, Councilmember	

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

See Public Participation on the first page of the Agenda for publication participation options.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

CLOSED SESSION REPORT:

FLAG SALUTE:

PROCLAMATIONS:

Randy Treadway

APPROVAL OF AGENDA:

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the following City Council meetings May 13, May 27, June 10 and June 24, 2020.

Item A.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.2. Register of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for August 8, 2020 – August 21, 2020.

Item A.2. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.3. General Fund Adopted Budget for Fiscal Year 2020-2021 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

Item A.3. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.4. League of California Cities' 2020 Annual Business Meeting Voting Delegates Designees. (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember Becker, primary voting delegate, Councilmember Harless, 1st alternate, and City Manager Gregory Wade, 2nd alternate, as the voting delegates for the 2020 Annual Business Meeting of the League of California Cities Annual Conference being held virtually, or provide alternative appointments.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities before September 30, 2020.

Item A.4. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.5. Recognized Obligation Payment Schedule (ROPS) for the period January 1, 2020 to June 30, 2021 Amendment. (File 0115-20)

Recommendation: That the City Council

1. The Successor Agency adopt Resolution SA-026 approving the SA Amendment to the ROPS for the period January 1, 2021 to June 30, 2021.

Item A.5. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.6. Crossing Guard Services. (File 0860-35)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2020-126:**
 - a. Approving the Amended MOU with the Solana Beach School District for crossing guard services.
 - b. Approving the updated PSA with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one-year terms.
 - c. Authorize the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District 4.

Item A.6. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

B. PUBLIC HEARINGS: None

C. STAFF REPORTS: (C.1. – C.5.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

C.1. Lomas Santa Fe Corridor Improvement Project – Phase III Update. (File 0820-15)

Recommendation: That the City Council:

1. Receive this report and provide input and direction on the Lomas Santa Fe Corridor Improvement Project.

Item C.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C.2. Year-End Preliminary Budget Review for Fiscal Year 2019-20. (File 0330-30)

This item has been pulled from this agenda.

C.3. Climate Action Commission – Appointment and Discuss Youth Member. (File 0120-06)

Recommendation: That the City Council:

1. Consider the applications submitted and make an appointment to the vacancy on the Climate Action Commission with a term until January 2021.
2. Consider the addition of a youth CAC member with full voting privileges and, if approved, give direction on the eligibility requirements for the new youth member.

Item C.3. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C.4. Introduce (1st Reading) Ordinance 514 - Encroachment Permit Requirements and Installation of Wireline Communication Facilities Policy. (File 1000-10)

Recommendation: That the City Council:

1. Introduce **Ordinance 514** amending Section 11.20.220 of the Solana Beach Municipal Code; and
2. Adopt **Resolution 2020-125** authorizing the adoption and implementation of an administrative policy.

Item C.4. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C.5. City Manager's Employment Agreement. (File 0400-10)

Recommendation: That the City Council:

1. Adopt **Resolution 2020-127** authorizing the Mayor to execute the Fifth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect the \$1500.00 increase in deferred compensation annual contribution and annual adjustments thereafter based on the Internal Revenue Code section 415 to both Normal Limit and Age 50 Catch-up Limit and a one-time benefit to cash-out up to 80 hours of vacation leave that would have been accrued in FY 2019-2020 and FY 2020-201.

Item C.5. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

WORK PLAN COMMENTS:

Adopted June 12, 2019

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency "City" at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) Primary-Edson, Alternate-Zito
- b. County Service Area 17: Primary- Harless, Alternate-Edson
- c. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate-Harless and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee: Primary-Harless, Alternate-Becker
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Becker, Alternate-Harless
- g. North County Dispatch JPA: Primary-Harless, Alternate-Becker
- h. North County Transit District: Primary-Edson, Alternate-Becker

- i. Regional Solid Waste Association (RSWA): Primary-Hegenauer, Alternate-Becker
- j. SANDAG: Primary-Zito, 1st Alternate-Edson, 2nd Alternate-Becker, and any subcommittees.
- k. SANDAG Shoreline Preservation Committee: Primary-Hegenauer, Alternate-Zito
- l. San Dieguito River Valley JPA: Primary-Hegenauer, Alternate-Zito
- m. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- n. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Harless

STANDING COMMITTEES: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Edson.
- b. Fire Dept. Management Governance & Organizational Evaluation – Harless, Hegenauer
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Becker
- d. Parks and Recreation Committee – Zito, Harless
- e. Public Arts Committee – Edson, Hegenauer
- f. School Relations Committee – Hegenauer, Harless
- g. Solana Beach-Del Mar Relations Committee – Zito, Edson

ADJOURN:

Next Regularly Scheduled Meeting is September 23, 2020

Always refer the City's website Event Calendar for Special Meetings or an updated schedule.

Or Contact City Hall 858-720-2400

www.cityofsolanabeach.org

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA }
 COUNTY OF SAN DIEGO } §
 CITY OF SOLANA BEACH }

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the September 9, 2020 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on September 2, 2020 at 5:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., September 9, 2020, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk * City of Solana Beach, CA

CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, are posted on each Citizen Commission's Agenda webpage. See the [Citizen Commission's Agenda webpages](#) or the City's Events [Calendar](#) for updates.

- **Budget & Finance Commission**
- **Climate Action Commission**
- **Parks & Recreation Commission**
- **Public Arts Commission**
- **View Assessment Commission**

MINUTES OF THE CITY COUNCIL

May 13, 2020 Closed Session
Regular Mtg

May 27, 2020 Closed Session
Regular Mtg

June 10, 2020 Closed Session
Regular Mtg

June 24, 2020 Closed Session
Regular Mtg



CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

MINUTES

Joint – Closed Session

Wednesday, May 13, 2020 3:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

Pursuant to Governor Newsom’s Executive Order N-29-20, City Council and staff participated in this meeting via teleconference.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

CITY COUNCILMEMBERS

Jewel Edson, Mayor

Judy Hegenauer, Deputy Mayor

Kristi Becker, Councilmember

Kelly Harless, Councilmember

David A. Zito, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 3:00 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Gregory Wade, City Manager
Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

CLOSED SESSION:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6 Agency designated representative:
Gregory Wade

Employee organizations: Miscellaneous Employees, Marine Safety Unit, Solana Beach Firefighter’s Association, and Unrepresented Employees.

ACTION: No reportable action.

ADJOURN:

Mayor Edson adjourned the meeting at 3:13 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

MINUTES

Joint REGULAR Meeting

Wednesday, May 13, 2020 * 4:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting was conducted in accordance with Governor Newsom's

Executive Order N-29-20 and N-33-20 related to the COVID-19 virus.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

Jewel Edson, **Mayor**

Judy Hegenauer, **Deputy Mayor**

Kristi Becker, **Councilmember**

Kelly Harless, **Councilmember**

David A. Zito, **Councilmember**

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 4:04 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE: Alex Hassanein, Boy Scout Troop 782 led the flag salute.

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Hegenauer and seconded by Councilmember Becker to approve. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:

Angela Ivey, City Clerk, announced there was one public comment, which was submitted and posted. [Public Submittals \(upd. 5-13 at 1:20pm\)](#)

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Council reported community announcements.

A. CONSENT CALENDAR: (Action Items) (A.1. – A.4 and A.6. – A.7.)

A.1. 2019 Street Maintenance and Repair Project. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2020-045** authorizing the City Council to accept, as complete, the 2019 Street Maintenance & Repair Project, Bid No. 2019-04, performed by PAL General Engineering.
2. Authorizing the City Clerk to file a Notice of Completion.

[Item A.1. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and seconded by Councilmember Becker to approve.

Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.2. Register of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for April 4, 2020 – April 24, 2020.

[Item A.2. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and seconded by Councilmember Becker to approve.

Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and seconded by Councilmember Becker to approve.

Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.4. Heating, Ventilation and Air Conditioning (HVAC) Services. (File 0710-35)

Recommendation: That the City Council

1. Adopt **Resolution 2020-033** authorizing the City Manager to execute an amendment to the Professional Services Agreement with Seaside Heating and Air and in an amount not to exceed \$25,000, for HVAC preventative maintenance services and as-needed repairs for Fiscal Year 2019/20.
2. Authorizing the City Manager to execute amendments to the Professional Services Agreement with Seaside Heating and Air, in an amount not to exceed \$17,500, for HVAC preventative maintenance services and as-needed repairs for Fiscal Years 2020/21 and 2021/22.

[Item A.4. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and seconded by Councilmember Becker to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.6. Senate Bill Funding for Road Maintenance Rehabilitation. (File 0390-22)

Recommendation: That the City Council

1. Adopt **Resolution 2020-042** authorizing the City Engineer to establish a project list for the FY 2020/21 Local Streets and Roads Funding Program using funds in part from the Road Maintenance and Rehabilitation Account designating the 2020 Street Maintenance and Repairs Project, as identified in the City's FY 2020/21 Capital Improvement Program list, to receive the SB 1 funding. It is anticipated that the designated project will rehabilitate the pavement on portions of Lomas Santa Fe Drive and other residential streets including portions of Nardo Avenue and Highland Drive. It is also anticipated that the designated project will be constructed in fall of 2020 and will have an estimated useful life of approximately 15 years.
2. Authorizing the City Engineer to submit the project list to the California Transportation Commission for the 2020/21 Local Streets and Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account.

[Item A.6. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and seconded by Councilmember Becker to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.7. Community Grant Program Fiscal Year 2020-21. (File 0330-25)

Recommendation: That the City Council

1. Adopt **Resolution 2020-057** authorizing the FY 2020/21 Community Grant Program.

[Item A.7. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and seconded by Councilmember Becker to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.3.)

B.1. Public Hearing: 970 Avocado Place, Applicant: Pruett, Case: DRP 19-004. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-035** conditionally approving a DRP and an administrative SDP to

construct a new two-story, single-family residence with an attached two-car garage and perform associated site improvements on a vacant lot at 970 Avocado Place, Solana Beach.

[Item B.1. Report \(click here\)](#)

[Staff Report Update #1 \(upd. 5-12-20\)](#)

Mayor Edson opened the public hearing and Council made disclosures.

Greg Wade, City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Steve Dalton, architect, and George Mercer, landscape architect, spoke about the fencing around the trash enclosure.

Council, Staff, and Applicant discussion.

Motion: Moved by Councilmember Zito and seconded by Mayor Edson to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Zito and seconded by Councilmember Harless to approve. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.2. Public Hearing: 424 Pacific Ave, Applicant: Piscitelli, Case: MOD 20-001. (File 0600-40)

In accordance with the Council's direction on the original application, Staff recommends that the existing site wall be removed from the public right-of-way and any replacement perimeter fencing be located on private property and in compliance with applicable zoning regulations. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Adopt **Resolution 2020-054** denying the request for a Modification to a Development Review Permit to allow for the location of the existing site wall to be maintained and the overall height and construction of the site wall to be modified at 424 Pacific Avenue.

[Item B.2. Report \(click here\)](#)

[Item B.2. Supplemental Docs \(upd. 5-13 at 3:10pm\)](#)

Mayor Edson opened the public hearing.

Council made disclosures. Councilmember Zito and Deputy Mayor Hegenauer stated that they met with the architect and the applicant's representative approximately three months ago.

Greg Wade, City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Council and Staff discussed the sidewalk ramp width and the right-of-way inside of the wall.

Jennifer Bolyn, EOS Architecture, presented a PowerPoint (on file) addressing wall and landscape changes to the project and reviewed conditions.

Lee Andelin, Attorney for Applicant, displayed a slide showing a house across the street with a similar wall, and stated there was no intent to take public property for private use.

Motion: Moved by Councilmember Becker and seconded by Councilmember Becker to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Council discussed the location of the site wall on public right-of-way, other existing encroachments of fences rather than walls, the compromised public access for pedestrians, site line improvement, necessary compliance upon reconstruction, and uniformity needed for compliance in neighborhoods.

Motion: Moved by Mayor Edson and seconded by Councilmember Harless to approve and to remove the site wall from the public right-of-way and move any replacement of perimeter fencing to private property. **Approved 4/1:** Ayes: Edson, Hegenauer, Becker, and Harless. Noes: Zito. Motion carried.

B.3. Solana Energy Alliance (SEA) Rate Schedule Amendment. (File 1010-45)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Adopt **Resolution 2020-060** amending the rate schedule for Solana Energy Alliance.

[Item B.3. Report \(click here\)](#)

Mayor Edson opened the public hearing.

Council disclosures. Councilmember Zito disclosed an e-mail exchange with resident Al Evans relative to rate comparisons between SEA and SDG&E.

Greg Wade, City Manager, introduced the item.

Barbara Boswell, Clean Energy Alliance (SEA) Consultant, presented a PowerPoint (on file).

Council, Staff, and Consultant discussion.

Motion: Moved by Mayor Edson and seconded by Deputy Mayor Hegenauer to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Mayor Edson and seconded by Councilmember Becker to approve. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless and Zito. Noes: None. Motion carried unanimously.

C. STAFF REPORTS: (C.1. – C.2.)

C.1. Financial Software Agreement – Tyler Munis. (File 0190-60)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2020-061** to authorize the City Manager to execute a Professional Services Agreement with Tyler Munis for the implementation of a financial software system.

[Item C.1. Report \(click here\)](#)

[Staff Report Update #1 \(upd. 5-12-20\)](#)

[Staff Report Update #2 \(upd. 5-13-20 at 4:00 pm\)](#)

Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a Power Point (on file).

Council and Staff discussed logistics and timelines.

Motion: Moved by Councilmember Zito and seconded by Mayor Edson. Councilmember Becker to approve. Motion **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless and Zito. Noes: None. Motion carried unanimously.

C.2. Supplemental CARES Act Community Development Block Grant (CDBG-CV) Funding. (File 0390-32)

Recommendation: That the City Council

1. Receive this report, discuss and provide direction to Staff regarding the use of available CDBG-CV funding.

[Item C.2. Report \(click here\)](#)

Greg Wade, City Manager, presented a PowerPoint (on file).

Council and Staff discussed emphasizing priority for a local organization that serves a targeted local population, focusing on assistance due to the COVID-19 crisis, including criteria for eligibility, and the difficulty in dividing funds among requests.

Mayor Edson and Deputy Mayor Hegenauer volunteered to serve on a sub-committee with Staff to prepare a recommendation for the May 27, 2020 City Council meeting.

Councilmember Zito requested Item A.5 be removed from the consent calendar to be heard.

A.5. Solid Waste Rate Review - Proposition 218. (File 1030-15)

Recommendation: That the City Council

1. Adopt **Resolution 2020-047** setting the Solid Waste Rate Review Public Hearing protest vote for July 8, 2020.

[Item A.5. Report \(click here\)](#)

Greg Wade, City Manager, summarized the proposed rate increases, noting Council action is to schedule the public hearing for the protest vote.

Council and Staff discussed that the proposed rate increase did not include the other approved rate increase that would become effective when the anaerobic digester came online around January 2021, rate adjustments as they related to COVID-19 impacts, and the green waste item coming to the May 27th Council meeting with EDCO attending.

Motion: Moved by Councilmember Zito and seconded by Mayor Edson to approve and to include information about the future rate increase in the public hearing notice, if possible.

Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless and Zito. Noes: None. Motion carried unanimously.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

Councilmembers reported Committee activities.

ADJOURN:

Mayor Edson adjourned the meeting at 7:04 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

MINUTES

Joint – Closed Session

Wednesday, May 27, 2020 * 3:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

Pursuant to Governor Newsom's Executive Order N-29-20, City Council and staff participated in this meeting via teleconference.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

CITY COUNCILMEMBERS

Jewel Edson, Mayor

Judy Hegenauer, Deputy Mayor

Kristi Becker, Councilmember

Kelly Harless, Councilmember

David A. Zito, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 3:00 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Gregory Wade, City Manager

Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

CLOSED SESSION:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

City Manager

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

City Attorney

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

One (1) Potential case.

4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

One (1) Potential case.

ACTION: No reportable action.

ADJOURN:

Mayor Edson adjourned the meeting at 3:55 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING
AUTHORITY, HOUSING AUTHORITY

MINUTES

Joint REGULAR Meeting
Wednesday, May 27, 2020 *4:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting was conducted in accordance with Governor Newsom's Executive Order N-29-20 and N-33-20 related to the COVID-19 virus.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

Jewel Edson, **Mayor**

Judy Hegenauer, **Deputy Mayor**

Kristi Becker, **Councilmember**

Kelly Harless, **Councilmember**

David A. Zito, **Councilmember**

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 4:24 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: No reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Becker and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:

[Public Submittals \(Upd. 5-27 at 1:20pm\)](#)

Joshua Graff Zivin spoke about a plan and precautions to manage the City's beaches due to

the pandemic and limiting the spread of COVID-19, how the City would be enforcing the resident's-only parking signs at the north end of the City, and proposed issuing permits for residents to park in front of their homes to limit visitor parking along the beaches.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Mayor Edson reported community announcements, events and commentary.

A. CONSENT CALENDAR: (Action Items) (A.1. A.2. A.4 - A.8.)

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for April 25, 2020 – May 8, 2020.

[Item A.1. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.2. General Fund Budget Adjustments for Fiscal Year 2019/20 as a Result of COVID-19. (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2020-076** revising appropriations in the Fiscal Year 2019/20 General Fund Budget.

[Item A.2. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.4. Solana Beach Coastal Rail Trail Maintenance District Engineer's Report, Annual Levy and Collection of Assessments. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-049**, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District for Fiscal Year 2020/21.
2. Adopt **Resolution 2020-050**, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt **Resolution 2020-051**, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 24, 2020.

[Item A.4. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.5. Solana Beach Lighting Maintenance District Engineer's Report, Annual Levy, and Collection of Assessments. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-052** approving the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21 for proceedings of the annual levy of assessments within a special maintenance district.
2. Adopt **Resolution 2020-053** declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing, and scheduling the public hearing for June 24, 2020.

[Item A.5. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.6. State-Mandated Annual Fire Inspections Report in Compliance with Solana Beach 1205. (File 0600-80)

Recommendation: That the City Council

1. Adopt **Resolution 2020-058:**
 - a. Accepting a report on the status of all state-mandated annual fire inspections in the City of Solana Beach in conjunction with SB 1205 and California Health and Safety Code Section 13146.4.

[Item A.6. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.7. Community Development Block Grant (CDBG) and Home Investment Partnerships – 3-Year Coop. Agmt. Extension (File 0390-32)

Recommendation: That the City Council

1. Adopt **Resolution 2020-064** authorizing the automatic renewal of the Community Development Block Grant Cooperation Agreement (Attachment 2) for the qualification periods of July 1, 2021 to June 30, 2022; July 1, 2022 to June 30, 2023; and July 1, 2023 to June 30, 2024.

[Item A.7. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.8. Stormwater Program Management Services. (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2020-048:**

- a. Authorizing the City Manager to execute a professional services agreement, in an amount not to exceed \$115,000 with Mikhail Ogawa Engineering for Stormwater Program Management Services.
- b. Authorizing the City Manager to extend the agreement for up to four additional years, at the City's option.

[Item A.8. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.3.)

B.1. Housing Element Annual Progress Report and Housing Successor Annual Report for Fiscal Year 2018/19 and Directing Submittal to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. (File 0630-12)

The Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find this item not a project and thereby exempt from the California Environmental Quality Act (CEQA) Review; and
3. Adopt **Resolution 2020-030** approving the 2019 Housing Element Annual Progress Report and the 2018/19 Housing Successor Annual Report as submitted and directing City Staff to file the report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

[Item B.1. Report \(click here\)](#)

[Item B.1. Supplemental Docs \(Upd. 5-27 at 12:45pm\)](#)

Mayor Edson opened the public hearing, and Council disclosures were provided.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Director, presented a PowerPoint (on file).

Barbara Gordon, youth group leader for Changers, requested the City Council consider requiring affordable housing to be smoke-free.

Johanna Canlas, City Attorney, said a smoke-free provision may be included in conditions of approval if the City sponsored an affordable housing project and the developer agreed, and that Council may consider this for other project approvals as well.

Motion: Moved by Mayor Edson and second by Councilmember Becker to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Harless and second by Mayor Edson to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.2. Public Hearing: 838 Academy Drive, Applicant: Santa Fe Christian School, Case MOD 19-001/DRP 19-006/SDP 19-007. (File 0600-40)

Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. If the Council can make the findings, adopt **Resolution 2020-065** approving the MOD for the new SFCS Campus Master Plan, and allow the continued use of the temporary Eagle Dome tent structure, with conditions.
3. If the Council can make the findings, adopt **Resolution 2020-066** approving a DRP/SDP for Phase 1b and 1c of the SFCS Master Plan, including Buildings E and F, with conditions.

[Item B.2. Report \(click here\)](#)

[Item B.2. Supplemental Docs \(upd. 5-27 at 2:50pm\)](#)

Mayor Edson opened the public hearing. Council reported disclosures.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Director, presented a PowerPoint (on file).

Councilmembers asked questions of Staff regarding parking and energy savings.

Rod Gilbert, CEO, Santa Fe Christian Schools, and Taal Safdie, Safdie Rabines Architects, presented a PowerPoint (on file).

Council, Staff, and Applicant discussed landscape, fill, energy, shade trees, drop-off loop and locations, mitigation during construction, projected enrollment, construction timeline, and clarification that parking spaces on site were increasing from 218 to 291 upon completion.

Motion: Moved by Councilmember Becker and second by Mayor Edson to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve and encouraged the continuation of an off-site parking agreement. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.3. Public Hearing: 318 S. Nardo Avenue, Applicant: Richard and Rachel McHale, Case 17-17-40. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and VAR. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to

- Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-034** conditionally approving a DRP, VAR and SDP to construct a detached Accessory Dwelling Unit (ADU) and a deck attached to the Principal Residence as well as perform associated site improvements including a hammerhead turnaround in the driveway for required fire access at 318 South Nardo Avenue, Solana Beach.

[Item B.3. Report \(click here\)](#)

[Item B.3. Supplemental Docs \(Upd. 5-27 at 1:10pm\)](#)

Mayor Edson opened the public hearing. Council reported disclosures.

Greg Wade, City Manager, introduced the item.

Katie Benson, Senior Planner, presented a PowerPoint (on file) reviewing the project.

Applicant Richard McHale presented a PowerPoint (on file).

Council, Staff, and Applicant discussion.

Motion: Moved by Councilmember Becker and second by Mayor Edson to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Harless and second by Deputy Mayor Hegenauer to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

C. STAFF REPORTS: (C.1. – C.3.)

C.1. Statewide Organic Collection Mandates and Council Consideration of Automated Green Waste Collection Citywide. (File 0150-78)

The Staff recommends that the City Council

1. Receive the report on solid waste and recycling state legislation and consider the implementation of automated green waste collection services citywide.

[Item C.1. Report \(click here\)](#)

[Item C.1. Supplemental Docs \(Upd. 5-27 at 2:00pm\)](#)

Greg Wade, City Manager, introduced the report.

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Elmer Heap, General Manager North County EDCO, presented a PowerPoint (on file).

Charlie Nelson spoke in support of the addition of a container for green waste collection.

Council, Staff, and Consultant discussed concerns about the lack of public feedback on the proposal, the benefits of the program, and the need for more community education prior to

implementation.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Hegenauer to approve. **Approved 3/2.** Ayes: Hegenauer, Becker, Harless. Noes: Edson, Zito. Motion carried.

C.2. Allocation of CARES Act Community Development Block Grant (CDBG-CV) Funding. (File 0390-32)

The Staff recommends that the City Council

1. Consider adoption of **Resolution 2020-075** approving the use of CDBG-CV for the North County Food Bank.

[Item C.2. Report \(click here\)](#)

Greg Wade, City Manager, presented a PowerPoint (on file).

Dan King, Assistant City Manager, introduced Shirley Parks, San Diego Food Bank.

Council and Staff discussion.

Motion: Moved by Mayor Edson and second by Deputy Mayor Hegenauer to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

C.3. SEA (Solana Energy Alliance) COVID-19 Impacts. (File 1010-45)

Staff recommends the City Council:

1. Consider options to improve the long-term financial viability of SEA and to provide direction to Staff to implement changes to the program.

[Item C.3. Report \(click here\)](#)

Greg Wade, City Manager, presented a PowerPoint (on file).

Jeff Fuller, Consultant, continued with the PowerPoint presentation.

Council and Staff discussed options and provided direction regarding maintaining 50% renewable and 75% carbon free premium product, rate discount or parity, premium rate for 100% renewable energy choice, considering a bridge loan from the City to SEA at the June rate hearing, and consideration of selling bucket 2 (PCC2) energy credits (RECs) and procuring bucket 3 (PCC3) RECS.

This item was pulled from Consent by Councilmember Zito.

A.3. Construction Bids for 2020 Pavement Management Street list. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2020-074:**
 - a. Approving the list of streets scheduled for maintenance and repairs as part of the 2020 Street Maintenance and Repairs Project.

b. Authorizing the City Engineer to advertise for construction bids for the 2020 Street Maintenance and Repairs Project.

[Item A.3. Report \(click here\)](#)

[Staff Report Update 1](#)

[Staff Report Update 2 \(Upd. 5-27 at 2:50pm\)](#)

[Item A.3. Supplemental Docs \(Upd. 5-27 at 12:45pm\)](#)

Greg Wade, City Manager, presented the item.

Council and Staff discussed potential uses for the increased funding.

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve and increase the estimated expenditures to \$425,000 for street maintenance and repairs with \$50,000 of the \$100,000 additional funds towards potholes and striping and the remaining \$50,000 allocated where Staff determines it would best be used. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

WORK PLAN COMMENTS: None.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

Councilmembers reported Committee activities.

ADJOURN:

Mayor Edson adjourned the meeting at 9:23 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH
 SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT
 AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

MINUTES

Joint – Closed Session
Wednesday, June 10, 2020 3:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
 Pursuant to Governor Newsom’s Executive Order N-29-20, City Council and staff participated in this meeting via teleconference.
 Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

<u>CITY COUNCILMEMBERS</u>	
Jewel Edson, Mayor	
Judy Hegenauer, Deputy Mayor	Kristi Becker, Councilmember
Kelly Harless, Councilmember	David A. Zito, Councilmember

Gregory Wade
 City Manager

Johanna Canlas
 City Attorney

Angela Ivey
 City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 3:00 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito
 Absent: None
 Also Present: Gregory Wade, City Manager
 Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

CLOSED SESSION:

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
 Pursuant to Government Code Section 54956.9(d)(2)
 Two (2) Potential cases.
- 2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**
 Pursuant to Government Code Section 54956.9(d)(4)
 Two (2) Potential cases.
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
 Pursuant to Government Code Section 54957
 City Attorney
- 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
 Pursuant to Government Code Section 54957
 City Manager

ACTION: No reportable action.

ADJOURN:

Mayor Edson adjourned the meeting at 3:50 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING
AUTHORITY, HOUSING AUTHORITY

MINUTES

Joint REGULAR Meeting

Wednesday, June 10, 2020 * 4:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting was conducted in accordance with Governor Newsom's Executive Order N-29-20 and N-33-20 related to the COVID-19 virus.

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CITY COUNCILMEMBERS

Jewel Edson, **Mayor**

Judy Hegenauer, **Deputy Mayor**

Kristi Becker, **Councilmember**

Kelly Harless, **Councilmember**

David A. Zito, **Councilmember**

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 4:12 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Hegenauer and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:

Carrie Ann Kelly spoke about opposition to the November ballot measure regarding marijuana, expressed concerns about the negative health effects of vaping and smoking

marijuana, and the negative impact that marijuana businesses would have in the community.

Mary Yang spoke about the City's climate action and adaptation plan, that climate crises have global consequences especially affecting the low-income communities, communities of color and the disabled, related the Climate Action Commission in March voted unanimously to recommend to the Council to declare a climate emergency, and would like the item added to a future Council agenda.

Mayor Edson directed Staff to add the item to a future Council agenda.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Councilmembers reported community announcements, events and commentary.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

A.1. Minutes of the City Council. (File 0300-30)

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held March 19, 2020.

Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 9, – May 22, 2020.

[Item A.2. Report \(click here\)](#)

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

A.3. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

A.4. Fire Benefit Fee Fiscal Year 2020-21. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-072:**

- a. Setting the FY 2020/21 Fire Benefit Fee at \$10.00 per unit, and
- b. Approving the Fee for levying on the tax roll.

[Item A.4. Report \(click here\)](#)

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

A.5. Municipal Improvement Districts Benefit (MID) Fees Fiscal Year 2020-21. (File 0495-20)

Recommendation: That the City Council

1. Approve **Resolution 2020-067**, setting the Benefit Charges for MID No. 9C, Santa Fe Hills, at \$232.10 per unit for FY 2020/21.
2. Approve **Resolution 2020-068**, setting the Benefit Charges for MID No. 9E, Isla Verde, at \$68.74 per unit for FY 2020/21.
3. Approve **Resolution 2020-069**, setting the Benefit Charges for MID No. 9H, San Elijo Hills # 2, at \$289.58 per unit for FY 2020/21.
4. Approve **Resolution 2020-070**, setting the Benefit Charges for MID No. 33, Highway 101/Railroad Right-of-Way, at \$3.12 per unit for FY 2020/21.

[Item A.5. Report \(click here\)](#)

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

A.6. Annual Sewer Service Charge for Fiscal Year 2020-21. (File 1040-70)

Recommendation: That the City Council

1. Adopt **Resolution 2020-079** approving the FY 2020/21 Annual Sewer Service Charge at \$682.31 per Equivalent Dwelling Unit (EDU).

[Item A.6. Report \(click here\)](#)

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

B. PUBLIC HEARINGS: (B.1. – B.2.)

B.1. Public Hearing: 127-129 Granados, Applicant: Granados Partners LLC, Case 17-17-47. (File 0600-40)

The Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Sections 15303 of the State CEQA Guidelines;
3. Adopt **Resolution 2020-078**, if the City Council makes the requisite findings and approves the project, to conditionally approving a Development Review Permit, a Structure Development Permit, and a Minor Subdivision Tentative Parcel Map for condominium purposes, to consolidate two existing legal lots into one legal lot of

14,381 square feet, demolish the existing structures onsite, construct four detached single-family condominium dwelling units, each consisting of two stories with an attached two-car garage and associated site improvements on property on the 127-129 North Granados Avenue, Solana Beach.

[Item B.1. Report \(click here\)](#)

[Item B.1. Supplemental Docs \(updated 6-9-20 at 5:30pm\)](#)

Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Councilmembers asked Staff questions.

Council and Applicant discussed the trigger for qualifying for affordable housing and that there was no estimate of the anticipated cost of the homes at this time.

Alex Stone, Edinger Architects, presented a PowerPoint (on file).

Kristin Brinner spoke in support of the project, which was 5 houses away from hers, about the similar setback proximities of other existing duplexes on the same side of N. Granados, the apparent bulk and mass favorability compared to other duplexes, the support for projects near the City's public transportation hub, and the preference for 4 homes being built for a lesser price point instead of larger homes with high price points.

Jeffrey Goedhuys spoke about his objection to the project due to density, less yard space, drainage and runoff, and that it should be scaled down to two larger units with more amenities.

Alex Stone, Edinger Architects, spoke about drainage concerns, and that they had requested an easement on his property to avoid having pumps from the bio swales but they had abandoned the idea and instead would pump everything up to North Granados.

Council, Staff, and Applicant discussed that the development should not increase the amount of drainage flow, that no reports were made of flooding in this area while there were many other areas with localized flooding during the April storm, and the design would take care of low flows and address the post-construction water quality issues.

Motion: Moved by Councilmember Zito and second by Councilmember Becker to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

B.2. Public Hearing: 201 Ocean Street, Applicant: Carome, Case 17-18-02. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-077** conditionally approving a DRP and SDP to remodel the existing residence and construct a new two-story addition, including a roof top deck and a walk out deck off the east side of the proposed addition. In addition, the Applicant is proposing to convert an existing detached accessory structure to an accessory dwelling unit (ADU) at 201 Ocean Street, Solana Beach.

[Item B.2. Report \(click here\)](#)

Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Douglas Fess, Studio One Architects, presented a PowerPoint (on file).

Council, Staff, and Applicant discussion.

Gary Martin spoke about his opposition to the third story roof deck, and his opposition to allowing an existing encroachment into the setback to remain, and how it would allow a major expansion proposal to not correct the nonconformity.

Motion: Moved by Deputy Mayor Hegenauer and second by Councilmember Harless to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Council discussed that the garage and ADU might be considered as separate structures, that an increase of the structure would be interpreted as increasing the non-conformity, the municipal code reference to a section that should not be interpreted to allow the reconstruction of a nonconforming structure, issues with a roof deck creating a seemingly third story, the significant improvement with the second story having been pushed back, the ADU and the two bedrooms were collectively such a large amount of non-conformance, and whether there was space on the lot to move the two bedrooms back.

Motion: Moved by Councilmember Harless and second by Mayor Edson to reopen the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

The Applicant stated that to move anything around a new home would need to be designed, that the existing home was only three bedrooms and they were adding an office, and that the only other option would be to move the bedrooms upstairs.

Motion: Moved by Mayor Edson and second by Deputy Mayor Hegenauer to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Council discussed that the only way to fit the design would be to go up, that a total redesign would be required to meet conformity, the FAR is nearly maxed out, the threshold was very close to requiring complete conformity, that the lot seemed too small for the house being built, there was sufficient space to build another bedroom, issues with the two bedrooms outside of the buildable lot area, moving one bedroom may greatly improve the impact on the nonconformity, and that if the first floor was changed there would not be additional story poles as long as the envelope remained under 16 ft.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Hegenauer to reopen the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Council and the Applicant discussed whether to approve the proposed project with conditions, allow the Applicant to return with a redesign, and potential removal of the front bedroom but allowing the second bedroom and the garage to remain in the setback.

Council and Staff discussed that the options were to deny the project, grant a request for a continuance of the hearing and allowing a redesign, or approve the project with conditions. Discussion continued regarding eliminating the northeast bedroom and move it to the back without changing the design complexity, and that moving a bedroom to the second floor would increase the envelope and trigger the SDP process and view assessment.

Motion: Moved by Councilmember Harless and second by Edson to reopen the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Mayor Edson and second by Councilmember Becker to close the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Council and Applicant discussed the process for a continuation and the need for the Applicant to request the continuation.

Motion: Moved by Councilmember Zito and second by Mayor Edson to reopen the public hearing. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Asli Carome, Applicant, requested that the hearing be continued for time to redesign the project.

Motion: Moved by Councilmember Zito and second by Mayor Edson to continue the hearing

to a date certain of August 26, 2020. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

C. STAFF REPORTS: (C.1. – C.2.)

C.1. County Allocation of Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Fund. (File 0230-10)

The Staff recommends that the City Council

1. Provide direction on the use of CARES Act CRF funding for Economic Support Initiatives such as a small business loan/grant program; and
2. Consider adoption of **Resolution 2020-089** authorizing the City Manager to execute the Sub Grant Agreement for use of CARES Act CRF funds.

[Item C.1. Report \(click here\)](#)

[Staff Report Update 1 \(6-9\)](#)

[Staff Report Update 2 \(6-10\)](#)

[Item C.1. Supplemental Docs \(Updated 6-8-20\)](#)

Greg Wade, City Manager, presented a PowerPoint (on file).

Two written communications were distributed.

Councilmembers asked questions and discussed the item.

Council reached consensus to allocate \$200,000 of County CARES ACT CRF funding to a grant program for Solana Beach small businesses of 25 or less employees for public-serving businesses, with grants amounts to be determined.

Motion: Moved by Mayor Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

C.2. COVID-19 Relief Measures Including Shared Streets, Outdoor Dining and Permit Extensions. (File 0230-10)

The Staff recommends that the City Council

1. Providing direction regarding the Shared Streets program. If Council approves implementing the program, then also authorize the City Manager to execute any and all necessary agreements to facilitate the program.
2. Adoption of **Resolution 2020-087** implementing a Temporary Use Permit process for outdoor dining that would allow restaurants and microbreweries to temporarily expand their dining area through December 31, 2020, or until the emergency order and social distancing requirement are lifted, and extend all permit and project applications for a specified period of time as directed by City Council.

[Item C.2. Report \(click here\)](#)

[Staff Report Update 1 \(6-10 at 2:30pm\)](#)

[Item C.2. Supplemental Docs \(Updated 6-9-20\)](#)

Greg Wade, City Manager, introduced the item.

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Councilmembers asked questions.

Gary Martin spoke about his support of walkable neighborhoods and slowing traffic, his objection to the proposal submitted for parking restrictions, which would push parking problems into other areas, and the unfair equity and divisiveness it would bring to the neighborhood, and that he recommended that the project not be approved.

Tracy Richmond spoke about the uncertainty of the benefit of temporary soft street closures, the proposed locations, and reducing parking, which would favor some neighborhoods and shift traffic to other areas.

Council discussed the shared streets portion of the recommended action and reached consensus to not to proceed with it at this time.

Council concurred with Staff recommendation to implement waiving the application fee and the streamlined process for Temporary Use Permits that would allow restaurants and microbreweries to temporarily expand their dining area through December 31, 2020.

Tracy Richmond stated that a minimum of six feet clearance for public passage should be maintained in outdoor seating areas, and requested that grant monies be utilized to cover the waiver of application fees for the temporary use permits.

Motion: Moved by Councilmember Harless and second by Councilmember Zito to adopt Resolution 2020-087 and to extend all permit project applications for up to 12 months with the exception of those with issued building permits and initiated work. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

WORK PLAN COMMENTS: None

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

COUNCIL COMMITTEE REPORTS: None

ADJOURN:

Mayor Edson adjourned the meeting at 9:43 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

MINUTES

Joint – Closed Session

Wednesday, June 24, 2020 3:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

Pursuant to Governor Newsom’s Executive Order N-29-20, City Council and staff participated in this meeting via teleconference.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

CITY COUNCILMEMBERS

Jewel Edson, Mayor

Judy Hegenauer, Deputy Mayor

Kristi Becker, Councilmember

Kelly Harless, Councilmember

David A. Zito, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 3:00 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Gregory Wade, City Manager

Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

CLOSED SESSION:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957 - City Manager

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957 - City Attorney

3. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section

54957.6 Agency designated representative: Gregory Wade

Employee organizations: Miscellaneous Employees, Marine Safety Unit, Solana Beach Firefighter’s Association, and Unrepresented Employees.

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2) - Two (2) Potential cases.

5. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4) - One (1) Potential case.

ACTION: No reportable action.

ADJOURN:

Mayor Edson adjourned the meeting at 4:35 p.m.

Angela Ivey, City Clerk

Approved: _____



CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCING
AUTHORITY, HOUSING AUTHORITY

MINUTES

Joint REGULAR Meeting

Wednesday, June 24, 2020 *4:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting was conducted in accordance with Governor Newsom's Executive Order N-29-20 and N-33-20 related to the COVID-19 virus.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

Jewel Edson, **Mayor**

Judy Hegenauer, **Deputy Mayor**

Kristi Becker, **Councilmember**

Kelly Harless, **Councilmember**

David A. Zito, **Councilmember**

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 4:55 p.m.

Present: Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless, David A. Zito

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Deputy Mayor Hegenauer to approve.

Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS: [Public Submittals \(Updated 6-24 at 2:45pm\)](#)

Beckie Samuels voiced concern about the possibility of placing mini homes for 1300 homeless Veterans and their families either at the Fairgrounds and/or Horse park and

potential loss of the horse park.

Carla Echols-Hayes objected to housing homeless Veterans in steel containers on a flood plain at the Fairgrounds, citing lack of information regarding management by FIXX Solutions, LLC. and saying better services are provided elsewhere.

Beth Nelson spoke against homeless being housed at the Fairground.

Rachel McHale, SolanaBeach4Equality, discussed Black Lives Matter and suggested a task force in coordination with other cities in North County to address racial injustice and a citizen review panel for police contracts.

Jeff McMillan, spoke on police reform.

PRESENTATIONS:

- 2020 Graduation Recognition

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Councilmembers reported on community announcements and events.

A. CONSENT CALENDAR: (Action Items) (A.1. – 8, and A.10 – A.11.)

Item A.9 was moved to follow the Consent Calendar.

A.1. Ratifying Engagement Letter with Pillsbury Winthrop Shaw Pittman LLP and Approving a Professional Services Agreement with Kane Ballmer & Berkman. (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-102** Ratifying Approval of the Engagement Letter with Pillsbury Winthrop Shaw Pittman LLP.
2. Adopt **Resolution 2020-103** Approving a Professional Services Agreement with Kane Ballmer & Berkman.

[Item A.1. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 23, 2020 – June 5, 2020.

[Item A.2. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.4. Annual Investment Policy. (File 0350-30)

Recommendation: That the City Council

1. Adopt **Resolution 2020-071** approving the City's Investment Policy for 2020/21.

[Item A.4. Report \(click here\)](#)

[Staff Report Update 1 \(6-24 at 1:06pm\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.5. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended March 31, 2020.

[Item A.5. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.6. Appropriations Limit for Fiscal Year 2020/21. (File 0330-60)

Recommendation: That the City Council

1. Adopt **Resolution 2020-073** establishing the FY 2020/21 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

[Item A.6. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.7. San Elijo JPA (SEJPA) Recycled Water Pipeline Transfer and Cost Reimbursement. (File 1040-44)

Recommendation: That the City Council

1. Adopt **Resolution 2020-044** authorizing the City Manager to execute the Pipeline Transfer and Cost Reimbursement Agreement by and between the San Elijo Joint Powers Authority and the City of Solana Beach for the recycled water pipeline along Via de la Valle that was constructed by the City of Del Mar on behalf of the City of Solana Beach.

[Item A.7. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.8. Sewer and Storm Drain Rehabilitation Project Award (File 0850-00)

Recommendation: That the City Council

1. Awarding the construction contract to Southwest Pipeline & Trenchless Corporation, in the amount of \$788,136, for the Sewer & Storm Drain Rehabilitation Project, Bid 2020-01.
2. Approving an amount of \$79,000 for construction contingency.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.
4. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

[Item A.8. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.10. As-Needed Traffic Engineering Services and a Traffic Signal Condition Assessment. (File 0860-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-086:**
 - a. Authorizing the City Manager to approve a Professional Service Agreement with STC Traffic, Inc. for As-Needed Traffic Engineering Services for Fiscal Year 2020/21, in the amount of \$10,000, and for a Traffic Signal Condition Assessment Report, in the amount of \$50,000, for a not-to-exceed total amount of \$60,000.
 - b. Authorizing the City Manager to approve a Professional Service Agreement with Chen Ryan Associates for As-Needed Traffic Engineering Services for Fiscal Year 2020/21 for a not-to-exceed amount of \$10,000.
 - c. Authorizing the City Manager, at their discretion, to extend the Professional Service Agreement with either or both STC Traffic, Inc. and Chen Ryan Associates for As-Needed Traffic Engineering Services for up to four additional years, at the City's option, at an amount not-to-exceed \$10,000 per year per consultant based on satisfactory past performance.

[Item A.10. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.11. DRO Management Consultants Contract. (File 00600-05)

Recommendation: That the City Council

1. Adopt **Resolution 2020-104:**
 - a. Approving the PSA with DRO Management Consultants.
 - b. Approving a one-year extension at the City Manager's discretion.

[Item A.11. Report \(click here\)](#)

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve.
Approved 5/0: Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

A.9. Calling the General Municipal Election for November 3, 2020 for Elected Mayor, District 1 Councilmember, District 3 Councilmember and a Qualified Ballot Measure. (File 0430-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-090** Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the Election of Certain Officers as required by the Provision of the Laws of the State of California Relating to General Law Cities and determining tie vote provisions.
2. Adopt **Resolution 2020-091** requesting the Board of Supervisors of the County of San Diego to Consolidate a General Municipal Election to be held on Tuesday, November 3, 2020, with the Statewide General Election to be held on that date.
3. Adopt **Resolution 2020-092** adopting regulations for Candidates for Elective Office pertaining to Candidate's Statements.
4. Adopt **Resolution 2020-093** authorizing ballot measure Written Arguments and direct the City Attorney to prepare an Impartial Analysis.
5. Adopt **Resolution 2020-094** authorizing filing of ballot measure Rebuttal Arguments.

[Item A.9. Report \(click here\)](#)

[A.9. Supplemental Items \(6-23 2:45pm\)](#)

This item was pulled from the agenda by the public.

Kelly McCormick, spoke against the ballot measure, and urged the City Council to write the ballot argument against the initiative.

Judy Strang, San Dieguito Alliance for Drug Free Youth, supported the City Council writing the opposition language for the initiative, provided clarification on Proposition 64 from 2016, and emphasized the measure would remove elected officials from making local land use decisions.

Rebecca Rapp encouraged the Councilmembers to write the opposition language to the ballot measure, noting Solana Beach residents were not in favor of commercializing marijuana.

Peggy Walker spoke in opposition to the marijuana measure and urged the Council to author the argument against it.

Barbara Gordon, adult leader for Changers, asked Council to author the argument against the measure.

Council and Staff discussion.

Councilmember Harless stated she voted “No” because she supported Council authoring the argument against the measure.

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve and modify Resolution 2020-092 to increase the number of words for candidate statements to a maximum of 400 words. **Approved 4/1:** Ayes: Edson, Hegenauer, Becker, and Zito. Noes: Harless. Motion carried.

B. PUBLIC HEARINGS: (B.1. – B.5.)

B.1. Public Hearing: Solana Beach Coastal Rail Trail (CRT) Maintenance District Annual Assessments. (File 0495-20)

The Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2020-082**, approving the Engineer’s Report regarding the Coastal Rail Trail Maintenance District; and
3. Adopt **Resolution 2020-083** ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2020/21.

[Item B.1. Report \(click here\)](#)

Mayor Edson opened the public hearing.

Councilmembers reported disclosures.

Greg Wade, City Manager, presented the Staff report.

Angela Ivey, City Clerk, reported that no protests were received.

Motion: Moved by Councilmember Harless and second by Councilmember Becker to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve the recommended action. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.2. Public Hearing: Solana Beach Lighting District Annual Assessments. (File 0495-20)

Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2020-084** confirming the diagram and assessment and approving the City of Solana Beach Lighting Maintenance District Engineer's Report; and
3. Adopt **Resolution 2020-085** ordering the levy and collection of annual assessments for FY 2020/21 and ordering the transmission of charges to the County Auditor for collection.

[Item B.2. Report \(click here\)](#)

Mayor Edson opened the public hearing.

Council reported disclosures.

Greg Wade, City Manager, presented the item.

Angela Ivey, City Clerk, reported that no protests were received.

Motion: Moved by Mayor Edson and second by Councilmember Becker to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Deputy Mayor Hegenauer and second by Councilmember Harless to approve the recommended action. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.5. Public Hearing: Amending the Solana Energy Alliance (SEA) Rate Schedule.
(File 1010-45)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Adopt **Resolution 2020-099** amending the rate schedule for Solana Energy Alliance.

[Item B.5. Report \(click here\)](#)

Mayor Edson opened the public hearing.

Council reported disclosures.

Greg Wade, City Manager, presented a PowerPoint (on file).

Barbara Boswell, Solana Energy Alliance, continued with the PowerPoint presentation.

Motion: Moved by Deputy Mayor Hegenauer and second by Councilmember Zito to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Hegenauer to

approve. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.3. Public Hearing: 521 S. Rios Ave, Applicant: Margulis, Case 17-17-40. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue an SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-081** conditionally approving a DRP and an SDP for a new multilevel single-family residence with detached garage with an ADU above the garage and to perform associated site improvements at 521 S. Rios Avenue, Solana Beach.

[Item B.3. Report \(click here\)](#)

[Staff Report Update 1](#)

[B.3. Supplemental Items \(6-24 2:45pm\)](#)

Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposed project.

Council and Staff discussed the basement, garage, accessory dwelling unit, and the view from Cedros Avenue,

Jennifer Bolyn, Architect, presented a PowerPoint (on file).

Council, Staff, and Applicant discussed solar panels, wiring for electric charging stations, square footage comparison in neighborhood, car lift located in the garage, and street termination nearby.

Motion: Moved by Councilmember Zito and second by Councilmember Harless to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Council discussed the project including the view and bulk and scale from Cedros, lowering the height of the garage/accessory dwelling unit, restricting roof decks, and parking.

Motion: Moved by Councilmember Harless and second by Councilmember Becker to re-open the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes:

None. Motion carried unanimously.

Council, Staff, and Applicant discussion.

Architect Bolyn confirmed with the Applicant their willingness to eliminate the garage lifts, thereby removing 30 inches from the height on the right side (south) and lowering the ceiling height on the left side of the accessory dwelling unit by one foot, as well as agreeing to the restriction of no roof decks.

Motion: Moved by Councilmember Harless and second by Mayor Edson to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Motion: Moved by Deputy Mayor Hegenauer and second by Mayor Edson Harless to approve with modifications to lower the left side of the building 12", lower the right side by 30" (garage/accessory dwelling unit), and prohibit roof decks. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

B.4. Public Hearing: 0 Ford Ave., Applicant: Landholdings, LLC, Case DRP19-008, SDP19-008. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and VAR. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-080** conditionally approving a DRP and an SDP for a new single-family residence including a partially subterranean lower level and an attached garage and perform associated site improvements at 0 Ford Avenue, Solana Beach.

[Item B.4. Report \(click here\)](#)

[B.4. Supplemental Items \(6-24 3:30pm\)](#)

Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposed project.

Councilmembers asked Staff questions about amount of fill, pool, and pool equipment,

Jennifer Bolyn, Architect, shared a presentation on the project.

Council, Staff, and Applicant discussion regarding pool equipment/enclosure.

Melodie Almond Tutt spoke about concern for her privacy, noise from pool equipment, and drainage.

Jennifer Bolyn, Architect, confirmed with Applicant the agreement to move the pool equipment so that it would be located 46 feet from Ms. Tutt's property line.

Brian Ardolino, Civil Engineer, reviewed the drainage plan.

Council discussed the project including runoff retention, topography of Valley/Canyon, amount of fill, appropriate size of dwelling, and location of the pool equipment.

Motion: Moved by Councilmember Zito and second by Councilmember Harless to close the public hearing. **Approved 5/0:** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. Motion carried unanimously.

Councilmember Harless stated that she could not support the project due to the lack of adherence to the natural topography.

Mayor Edson stated that she could not support the project because it does not follow the development review criteria under Municipal Code 17.68.040 relative to complementing site topography and retaining natural topography of the lot.

Motion: Moved by Councilmember Zito and second by Councilmember Becker to approve staff recommendation with additional conditions to relocate the pool equipment adjacent to the storage shed at the corner of the pool which would be at least 45 feet from the southerly property line. **Approved 3/2:** Ayes: Hegenauer, Becker, and Zito. Noes: Edson, Harless. Motion carried.

C. STAFF REPORTS: (C.1.)

C.1. Budget Adjustments for Fiscal Year 2020/21 (File 0330-30)

Recommendation: That the City Council

1. Review the proposed amendments to the FY 2020/21 Adopted General Fund Budget and provide Staff with direction to amend the budget for adoption on July 8, 2020.

Item C.1. Report

Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Director, gave a PowerPoint presentation (on file), covering economic impacts to the City budget resulting from the COVID-19 pandemic and related adjustments.

Council and Staff discussion.

WORK PLAN COMMENTS: None

COMPENSATION & REIMBURSEMENT DISCLOSURE:

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

Councilmembers reported Committee activities.

ADJOURN:

Mayor Edson adjourned the meeting at 9:15 p.m.

Angela Ivey, City Clerk

Approved: _____



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: Finance
SUBJECT: Register of Demands

BACKGROUND:

Section 3.04.020 of the Solana Beach Municipal Code requires that the City Council ratify a register of demands which represents all financial demands made upon the City for the applicable period.

Register of Demands- 08/08/20 through 08/21/20

Check Register-Disbursement Fund (Attachment 1)		\$	879,329.74
Council Payroll	August 13, 2020		3,992.79
Federal & State Taxes	August 13, 2020		386.50
PERS Retirement (EFT)	August 13, 2020		535.34
Net Payroll	August 21, 2020		225,422.63
Federal & State Taxes	August 21, 2020		61,257.55
PERS Retirement (EFT)	August 21, 2020		47,800.12

TOTAL		\$	<u>1,218,724.67</u>
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DISCUSSION:

Staff certifies that the register of demands has been reviewed for accuracy, that funds are available to pay the above demands, and that the demands comply with the adopted budget.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The register of demands for August 8, 2020 through August 21, 2020 reflects total expenditures of \$1,218,724.67 from various City funding sources.

WORK PLAN:

N/A

CITY COUNCIL ACTION: _____ _____

OPTIONS:

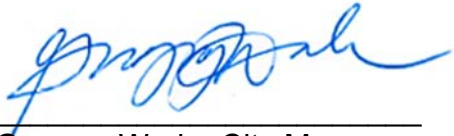
- Ratify the register of demands.
- Do not ratify and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council ratify the above register of demands.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund

PENTAMATION
 DATE: 08/25/2020
 TIME: 13:46:25

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1
 ACCTPA21

SELECTION CRITERIA: transact.gl_cash='1011' and transact.ck_date between '20200808 00:00:00.000' and '20200821 00:00:00.000'
 ACCOUNTING PERIOD: 2/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97460	08/14/20	4832	AT&T CALNET 3	00160006170	9391053651 1125-1224	0.00	223.53
1011	97460	08/14/20	4832	AT&T CALNET 3	00160006170	9391019469 6/20-7/19	0.00	21.31
1011	97460	08/14/20	4832	AT&T CALNET 3	00160006170	9391019469 7/20-8/19	0.00	24.88
TOTAL CHECK							0.00	269.72
1011	97461	08/14/20	4990	KRISTI BECKER	001	CALCCA-BECKER-11/05	0.00	-473.16
1011	97461	08/14/20	4990	KRISTI BECKER	00150005100	CALCCA-BECKER-11/05	0.00	669.31
TOTAL CHECK							0.00	196.15
1011	97468	08/14/20	1914	US BANK	00160006170	LAMINATING POUCHES	0.00	32.25
1011	97468	08/14/20	1914	US BANK	00160006120	FACE MASKS	0.00	-413.80
1011	97468	08/14/20	1914	US BANK	00150005150	WIFI ADAPTER-ARMBRUST	0.00	24.77
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-5/06	0.00	32.25
1011	97468	08/14/20	1914	US BANK	00160006120	KEY SAFE	0.00	32.31
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-3/10	0.00	32.75
1011	97468	08/14/20	1914	US BANK	00160006170	SPRAY BOTTLES	0.00	34.46
1011	97468	08/14/20	1914	US BANK	27060006170	HOT PACKS-1 CASE	0.00	34.48
1011	97468	08/14/20	1914	US BANK	00160006120	FIREFGHTRS PROC GUIDE	0.00	38.74
1011	97468	08/14/20	1914	US BANK	00160006170	EXIT ONLY SIGNS	0.00	40.50
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-5/13	0.00	45.00
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-4/22	0.00	46.00
1011	97468	08/14/20	1914	US BANK	00160006170	ENTER ONLY SIGNS	0.00	46.11
1011	97468	08/14/20	1914	US BANK	00160006170	15 KEYS AND RINGS	0.00	46.69
1011	97468	08/14/20	1914	US BANK	00160006170	BACTERIA FILTERS	0.00	47.09
1011	97468	08/14/20	1914	US BANK	25560006180	TONER-JG	0.00	50.52
1011	97468	08/14/20	1914	US BANK	00160006120	EXERCISE MAT TAPE	0.00	54.49
1011	97468	08/14/20	1914	US BANK	00160006120	FIRE LAWS 2020 BOOK	0.00	60.82
1011	97468	08/14/20	1914	US BANK	00160006170	STINGRAY BAGS	0.00	64.65
1011	97468	08/14/20	1914	US BANK	00165006570	4 HOLE CRANK	0.00	66.00
1011	97468	08/14/20	1914	US BANK	25560006180	TONER-JG	0.00	74.23
1011	97468	08/14/20	1914	US BANK	00150005450	CONSTANT CONTACT-MAY	0.00	75.00
1011	97468	08/14/20	1914	US BANK	00160006120	COMPANY OFFCR BOOK	0.00	82.38
1011	97468	08/14/20	1914	US BANK	00165006570	APPLIANCE	0.00	85.00
1011	97468	08/14/20	1914	US BANK	00160006120	FIRE COMMAND BOOK	0.00	87.21
1011	97468	08/14/20	1914	US BANK	00160006120	BOOK-STRCTR FIRE FGHT	0.00	88.30
1011	97468	08/14/20	1914	US BANK	00160006120	BUILDING CODE BOOK	0.00	88.36
1011	97468	08/14/20	1914	US BANK	00160006120	3 EXERSIZE MATS	0.00	93.75
1011	97468	08/14/20	1914	US BANK	00160006120	SHOVEL	0.00	94.24
1011	97468	08/14/20	1914	US BANK	00160006120	FIRE OFFCR HNDBK	0.00	95.11
1011	97468	08/14/20	1914	US BANK	00165006530	F250-TIRES	0.00	107.31
1011	97468	08/14/20	1914	US BANK	00165006560	F250-TIRES	0.00	107.31
1011	97468	08/14/20	1914	US BANK	00160006120	MNG FIRE EMGCY SVC-BK	0.00	109.90
1011	97468	08/14/20	1914	US BANK	00165006570	LIGHTS/SENSORS	0.00	119.57
1011	97468	08/14/20	1914	US BANK	00165006560	F150 TIRES	0.00	122.20
1011	97468	08/14/20	1914	US BANK	13550005450	1 ADOBE SUB	0.00	133.71
1011	97468	08/14/20	1914	US BANK	00160006170	KEYS FOR LG TOWERS	0.00	135.00
1011	97468	08/14/20	1914	US BANK	00160006120	SQUEEGEE	0.00	141.64
1011	97468	08/14/20	1914	US BANK	27060006170	BANDAGES/COLD PACKS	0.00	144.40
1011	97468	08/14/20	1914	US BANK	13550005450	ZOOM SUB-MAY	0.00	147.00
1011	97468	08/14/20	1914	US BANK	00160006170	68 PATCHES-TRUNKS	0.00	147.22
1011	97468	08/14/20	1914	US BANK	00160006170	PATHFINDER TIRES	0.00	162.90
1011	97468	08/14/20	1914	US BANK	00160006170	GLOVES	0.00	166.59

ATTACHMENT 1

PENTAMATION
 DATE: 08/25/2020
 TIME: 13:46:25

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2
 ACCTPA21

SELECTION CRITERIA: transact.gl_cash='1011' and transact.ck_date between '20200808 00:00:00.000' and '20200821 00:00:00.000'
 ACCOUNTING PERIOD: 2/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97468	08/14/20	1914	US BANK	550	QUICKBOOKS-APR	0.00	197.79
1011	97468	08/14/20	1914	US BANK	50900007700	F250-TIRES	0.00	214.63
1011	97468	08/14/20	1914	US BANK	00160006120	FACE SHIELDS	0.00	233.82
1011	97468	08/14/20	1914	US BANK	00160006120	TWL/TISSUE/BLEACH/CLN	0.00	276.25
1011	97468	08/14/20	1914	US BANK	00160006120	BATTERIES	0.00	282.16
1011	97468	08/14/20	1914	US BANK	00150005150	ARCHIVAL DVD CONVSN	0.00	306.54
1011	97468	08/14/20	1914	US BANK	00160006120	4 THERMOMETERS	0.00	311.36
1011	97468	08/14/20	1914	US BANK	00160006120	SLVRWARE/CLN/SOAP	0.00	311.63
1011	97468	08/14/20	1914	US BANK	00160006120	TOW CAR-TRAINING	0.00	350.00
1011	97468	08/14/20	1914	US BANK	00165006570	DISHWASHER-FS	0.00	706.51
1011	97468	08/14/20	1914	US BANK	00160006120	4 TENTS	0.00	721.31
1011	97468	08/14/20	1914	US BANK	00160006120	LUMBER-TRAINING	0.00	763.04
1011	97468	08/14/20	1914	US BANK	13550005450	75 MALWAREBYTES SUB	0.00	1,731.75
1011	97468	08/14/20	1914	US BANK	00160006120	SLEEPNG BG/SNSCRN	0.00	241.32
1011	97468	08/14/20	1914	US BANK	00160006120	SLEEPING PAD	0.00	258.38
1011	97468	08/14/20	1914	US BANK	00160006120	SHWR CDDY/WALL HOOKS	0.00	280.12
1011	97468	08/14/20	1914	US BANK	00150005400	POSTAGE	0.00	7.50
1011	97468	08/14/20	1914	US BANK	00150005450	HOSTING DOMAINS-MAY	0.00	9.95
1011	97468	08/14/20	1914	US BANK	00160006170	SCUBA TANK INSP/FILL	0.00	12.36
1011	97468	08/14/20	1914	US BANK	00150005450	AMAZON PRIME SUB	0.00	14.00
1011	97468	08/14/20	1914	US BANK	00160006170	DRY ERASE MARKERS	0.00	19.23
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-4/08	0.00	19.75
1011	97468	08/14/20	1914	US BANK	00160006120	F150 HOOD LIFT SUPPRT	0.00	25.85
1011	97468	08/14/20	1914	US BANK	00160006120	BODY WIPES	0.00	26.93
1011	97468	08/14/20	1914	US BANK	00160006170	ANTIFREEZE	0.00	27.00
1011	97468	08/14/20	1914	US BANK	00160006170	SCUBA WEIGHT POUCH	0.00	29.09
1011	97468	08/14/20	1914	US BANK	00165006570	FACE MASKS	0.00	31.24
1011	97468	08/14/20	1914	US BANK	00160006120	TOILET PAPR/DRINK MIX	0.00	35.39
1011	97468	08/14/20	1914	US BANK	00165006570	LG STN SPEAKER	0.00	37.66
1011	97468	08/14/20	1914	US BANK	00160006170	ANTIFREEZE	0.00	39.15
1011	97468	08/14/20	1914	US BANK	00160006170	FUEL	0.00	39.44
1011	97468	08/14/20	1914	US BANK	00165006570	SOCIAL DSTANCE MARKRS	0.00	40.92
1011	97468	08/14/20	1914	US BANK	00160006120	SLEEPNG BG/SNSCRN	0.00	43.12
1011	97468	08/14/20	1914	US BANK	00160006120	FY21 FPOA MEMBR-FORD	0.00	50.00
1011	97468	08/14/20	1914	US BANK	00160006140	TONER	0.00	51.00
1011	97468	08/14/20	1914	US BANK	00160006120	FUEL	0.00	52.80
1011	97468	08/14/20	1914	US BANK	00150005450	EXTERNAL HARD DRIVE	0.00	53.86
1011	97468	08/14/20	1914	US BANK	00150005150	3 HOLE PUNCH	0.00	54.56
1011	97468	08/14/20	1914	US BANK	00160006120	SOAP	0.00	58.49
1011	97468	08/14/20	1914	US BANK	00160006170	INSERVICE FOOD	0.00	68.85
1011	97468	08/14/20	1914	US BANK	00160006170	INSERVICE FOOD	0.00	69.34
1011	97468	08/14/20	1914	US BANK	00160006120	SLEEPNG BG/SNSCRN	0.00	73.45
1011	97468	08/14/20	1914	US BANK	00150005450	CONSTANT CONTACT-JUN	0.00	75.00
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-5/27	0.00	75.00
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-6/10	0.00	83.75
1011	97468	08/14/20	1914	US BANK	00165006560	F150 TIRES	0.00	104.72
1011	97468	08/14/20	1914	US BANK	00165006570	4 BATHROOM SIGNS	0.00	107.68
1011	97468	08/14/20	1914	US BANK	13550005450	ADOBE PRO-SITHER	0.00	118.67
1011	97468	08/14/20	1914	US BANK	00160006120	SHWR CDDY/WALL HOOKS	0.00	124.74
1011	97468	08/14/20	1914	US BANK	00160006170	EMT RENEWAL-PENNELL	0.00	125.50
1011	97468	08/14/20	1914	US BANK	13550005450	ADOBE PRO-M SAMMAK	0.00	130.37
1011	97468	08/14/20	1914	US BANK	00165006570	5-SANITIZER	0.00	134.15

PENTAMATION
 DATE: 08/25/2020
 TIME: 13:46:25

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3
 ACCTPA21

SELECTION CRITERIA: transact.gl_cash='1011' and transact.ck_date between '20200808 00:00:00.000' and '20200821 00:00:00.000'
 ACCOUNTING PERIOD: 2/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97468	08/14/20	1914	US BANK	00165006530	PATHFINDER TIRES	0.00	175.47
1011	97468	08/14/20	1914	US BANK	00165006560	PATHFINDER TIRES	0.00	175.47
1011	97468	08/14/20	1914	US BANK	13550005450	ZOOM SUB	0.00	177.00
1011	97468	08/14/20	1914	US BANK	550	QUICKBOOKS-MAY	0.00	197.79
1011	97468	08/14/20	1914	US BANK	00160006170	SUNSCREEN	0.00	207.89
1011	97468	08/14/20	1914	US BANK	00160006170	MICROPHONE	0.00	220.93
1011	97468	08/14/20	1914	US BANK	00160006120	7 SOAP DISPENSERS	0.00	221.86
1011	97468	08/14/20	1914	US BANK	00160006140	RANGER-HOOD LATCH	0.00	223.80
1011	97468	08/14/20	1914	US BANK	13550005450	ADOBE PRO-LETTS/URBRU	0.00	235.12
1011	97468	08/14/20	1914	US BANK	13550005450	ZOOM SUB	0.00	238.20
1011	97468	08/14/20	1914	US BANK	13550005450	PHOTOSHOP SUB-1 YR	0.00	239.88
1011	97468	08/14/20	1914	US BANK	00160006120	SAFETY BLADE	0.00	284.00
1011	97468	08/14/20	1914	US BANK	00160006120	FUEL FOR CHAINSAW	0.00	294.52
1011	97468	08/14/20	1914	US BANK	00160006120	GPS	0.00	319.22
1011	97468	08/14/20	1914	US BANK	00165006570	CIRCULATING PUMP-FS	0.00	343.11
1011	97468	08/14/20	1914	US BANK	00160006120	DROP ROPE BAG	0.00	344.35
1011	97468	08/14/20	1914	US BANK	00160006120	RADIO BELT HOLDERS	0.00	349.11
1011	97468	08/14/20	1914	US BANK	00165006560	GRILL	0.00	529.23
1011	97468	08/14/20	1914	US BANK	00160006120	ROPE/13 CARABINERS	0.00	840.45
1011	97468	08/14/20	1914	US BANK	001	CNTRL SQ-WONG	0.00	-499.00
1011	97468	08/14/20	1914	US BANK	00170007110	CPRS MTG-K RICHARD	0.00	-50.00
1011	97468	08/14/20	1914	US BANK	00170007110	CPRS MTG-WENGR/MOSHKI	0.00	-25.00
1011	97468	08/14/20	1914	US BANK	00160006170	SHOWER CAP	0.00	7.10
1011	97468	08/14/20	1914	US BANK	00150005450	HOSTING DOMAINS-APR	0.00	9.95
1011	97468	08/14/20	1914	US BANK	00150005150	MINUTE TRNSCPTN-3/19	0.00	10.50
1011	97468	08/14/20	1914	US BANK	00160006140	CERTIFIED MAILING	0.00	10.65
1011	97468	08/14/20	1914	US BANK	00150005450	PRIME SUBSCRIPTION	0.00	14.00
1011	97468	08/14/20	1914	US BANK	00160006120	FIRE OP GUIDE	0.00	14.18
1011	97468	08/14/20	1914	US BANK	00160006170	CABLE TIES	0.00	24.76
1011	97468	08/14/20	1914	US BANK	00150005150	WIFI ADAPTER-IVEY	0.00	24.89
1011	97468	08/14/20	1914	US BANK	00150005150	WIFI ADAPTER-BAVIN	0.00	24.89
1011	97468	08/14/20	1914	US BANK	00150005450	ETHERNET SWITCH	0.00	26.93
1011	97468	08/14/20	1914	US BANK	00160006170	GAS TANK CAP	0.00	29.60
1011	97468	08/14/20	1914	US BANK	00160006170	DISINFCTNT/DTRGNT	0.00	30.04
1011	97468	08/14/20	1914	US BANK	00160006170	CAUTION TAPE	0.00	30.78
TOTAL CHECK							0.00	17,583.20
1011	97469	08/14/20	2476	CCAC	00150005150	2021 MMBRSH-IVEY	0.00	65.00
1011	97470	08/14/20	310	CITY OF ENCINITAS	27060006120	CSA17.20 SCBA ADPTR-19	0.00	3,133.32
1011	97471	08/14/20	4828	CITY OF ENCINITAS FIRE D	00160006120	ISOLATION GOWNS	0.00	143.04
1011	97471	08/14/20	4828	CITY OF ENCINITAS FIRE D	27060006120	TUBERSOL TB TESTS	0.00	180.72
1011	97471	08/14/20	4828	CITY OF ENCINITAS FIRE D	27060006120	LIFLNK TRCKNG-1/20-21	0.00	203.98
1011	97471	08/14/20	4828	CITY OF ENCINITAS FIRE D	27060006120	MEDICAL FORMS	0.00	210.00
TOTAL CHECK							0.00	737.74
1011	97472	08/14/20	693	CODE PUBLISHING COMPANY	00150005150	MUNI CODE ORD-513	0.00	172.50
1011	97473	08/14/20	5906	COLLEEN JANTZ	001	RFND-DRP1719.11 VIEW	0.00	600.00
1011	97474	08/14/20	3902	CORODATA RECORDS MANAGEM	00150005150	RECORDS STRG-JUN	0.00	327.15

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1011	97474	08/14/20	3902	CORODATA RECORDS MANAGEM	00150005150	RECORDS STRG-MAY	0.00	338.05
TOTAL CHECK							0.00	665.20
1011	97475	08/14/20	318	COUNTY OF SAN DIEGO ASSE	50900007700	COMPUTER TAPE 77-MPR	0.00	125.00
1011	97476	08/14/20	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-OCT-DEC 19	0.00	420.28
1011	97476	08/14/20	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-APR-JUN 20	0.00	681.95
1011	97476	08/14/20	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-JAN-MAR 20	0.00	687.11
1011	97476	08/14/20	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-JAN-MAR 20	0.00	-34.36
1011	97476	08/14/20	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-APR-JUN 20	0.00	-34.10
1011	97476	08/14/20	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-OCT-DEC 19	0.00	-21.01
TOTAL CHECK							0.00	1,699.87
1011	97477	08/14/20	825	EMERGENCY MEDICAL PRODUC	27060006120	CSA17.21 GZ/WRP/MSKS	0.00	241.00
1011	97477	08/14/20	825	EMERGENCY MEDICAL PRODUC	27060006120	CSA17.21 GZ/WRPS/KIT	0.00	332.55
TOTAL CHECK							0.00	573.55
1011	97478	08/14/20	94	ESGIL CORPORATION	00160006120	FIRE PRMT 10/28-10/31	0.00	75.00
1011	97478	08/14/20	94	ESGIL CORPORATION	00155005560	BLDG PRMT 10/28-10/31	0.00	12,557.76
TOTAL CHECK							0.00	12,632.76
1011	97479	08/14/20	322	FIRE ETC.	00160006120	CARRY ALL BAG W/HNDLS	0.00	135.91
1011	97479	08/14/20	322	FIRE ETC.	00160006120	SLEDGE HAMMER	0.00	45.57
1011	97479	08/14/20	322	FIRE ETC.	00160006120	10 GORE HOODS	0.00	1,205.25
TOTAL CHECK							0.00	1,386.73
1011	97480	08/14/20	5480	FISHER INTEGRATED, INC.	550	CNCL WEB STRM-SEA5/21	0.00	300.00
1011	97481	08/14/20	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 08/13/20	0.00	6,208.67
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-NOV	0.00	-365.95
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-DEC	0.00	-365.15
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-APR	0.00	-359.60
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-MAY	0.00	359.60
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-JAN	0.00	365.15
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-DEC	0.00	365.95
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-NOV	0.00	448.97
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-JUN	0.00	358.53
1011	97482	08/14/20	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-OCT	0.00	-448.97
TOTAL CHECK							0.00	358.53
1011	97483	08/14/20	87	ISLA VERDE HOA	20575007530	LNDSCAPE MAINT-JUN	0.00	425.00
1011	97484	08/14/20	5908	JAMES AND MARY BUSHNELL	001	RFND-DRP1719.10 VIEW	0.00	600.00
1011	97485	08/14/20	5623	JANA PIERCE	001	REISSUE CK#94797	0.00	167.79
1011	97485	08/14/20	5623	JANA PIERCE	001	REISSUE CK#94797	0.00	1,277.42
TOTAL CHECK							0.00	1,445.21
1011	97486	08/14/20	5909	JOHN AND LEE MCMULLEN	001	RFND-DRP1719.10 VIEW	0.00	600.00
1011	97487	08/14/20	2575	KIRK WENGER	00170007110	CPRS CONF-WENGER-3/10	0.00	791.52

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1011	97487	08/14/20	2575	KIRK WENGER	25570007110	CPRS CONF-WENGER-3/10	0.00	197.88
1011	97487	08/14/20	2575	KIRK WENGER	001	CPRS CONF-WENGER-3/10	0.00	-875.55
TOTAL CHECK							0.00	113.85
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	20475007520	SNTA FE HILLS APR-JUN	0.00	46.68
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	20775007550	SAN ELJO HILLS APR-JUN	0.00	25.33
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	20575007530	ISLA VERDE APR-JUN	0.00	24.01
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	20375007510	OLD HGHWY 101 APR-JUN	0.00	673.45
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	00150005300	FIRE BENEFIT APR-JUN	0.00	533.43
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	20375007510	EXPENSES APR-JUN	0.00	29.95
1011	97488	08/14/20	2287	KOPPEL & GRUBER PUBLIC F	67685008560	SO SOL SWR APR-JUN	0.00	415.07
TOTAL CHECK							0.00	1,747.92
1011	97489	08/14/20	5456	LANGUAGE LINK	00150005150	NTC OF ELEC TRANSLTNS	0.00	640.00
1011	97490	08/14/20	5910	LEE WILSON	001	RFND-DRP1719.10 VIEW	0.00	600.00
1011	97491	08/14/20	5865	LUMBERCYCLE	45999055550	9905.02 TREE ASMNT	0.00	5,000.00
1011	97492	08/14/20	5903	LUSARDI CONTRUCTION	001	RFND-B20-0159/514 VIA	0.00	3,527.51
1011	97492	08/14/20	5903	LUSARDI CONTRUCTION	135	RFND-B20-0159/514 VIA	0.00	79.96
1011	97492	08/14/20	5903	LUSARDI CONTRUCTION	001	RFND-B20-0159/514 VIA	0.00	105.83
TOTAL CHECK							0.00	3,713.30
1011	97493	08/14/20	4738	MEDICAL EYE SERVICES	001	VISION JUL 20	0.00	452.85
1011	97493	08/14/20	4738	MEDICAL EYE SERVICES	001	TIMING JUL 20	0.00	-40.66
1011	97493	08/14/20	4738	MEDICAL EYE SERVICES	001	TIMING JUL 20	0.00	-8.63
1011	97493	08/14/20	4738	MEDICAL EYE SERVICES	00150005400	ROUNDING JUL 20	0.00	-0.21
1011	97493	08/14/20	4738	MEDICAL EYE SERVICES	001	TIMING JUL 20	0.00	19.91
TOTAL CHECK							0.00	423.26
1011	97494	08/14/20	2106	MIKHAIL OGAWA ENGINEERIN	00165006520	JURMP-JUN	0.00	8,077.78
1011	97495	08/14/20	191	NAPA AUTO PARTS INC	00165006530	REFRIGERANT	0.00	67.33
1011	97496	08/14/20	66	NORTH COUNTY DISPATCH (J	00160006120	FY20 N ZONE MED DIR CS	0.00	3,518.00
1011	97497	08/14/20	1826	NORTH COUNTY TRANSIT DIS	50900007700	SLOPE EMBNK-PMP STN	0.00	283.65
1011	97498	08/14/20	5362	PATRICIA LETTS	00150005400	LETTS-CONTRACTS II	0.00	2,000.00
1011	97499	08/14/20	1087	PREFERRED BENEFIT INS AD	001	TIMING JUL 20	0.00	-34.50
1011	97499	08/14/20	1087	PREFERRED BENEFIT INS AD	001	TIMING JUL 20	0.00	134.90
1011	97499	08/14/20	1087	PREFERRED BENEFIT INS AD	001	DENTAL JUL 20	0.00	2,847.60
TOTAL CHECK							0.00	2,948.00
1011	97500	08/14/20	958	QUESTYS SOLUTIONS	00150005150	MAINT/UPGRD 4/20-9/20	0.00	1,301.67
1011	97501	08/14/20	416	REGIONAL COMMS SYS, MS 0	00160006120	CAP CODE-JUL	0.00	32.50
1011	97502	08/14/20	86	SAN ELIJO HILLS II HOA	20775007550	LNDSCAPE MAINT-JUN	0.00	6,550.00

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1011	97503	08/14/20	314	SAN ELIJO JPA	50900007700	Q4 MAINT & OP	0.00	405,523.00
1011	97503	08/14/20	314	SAN ELIJO JPA	50900007700	Q4 CIP FUNDING	0.00	219,695.00
1011	97503	08/14/20	314	SAN ELIJO JPA	00165006520	FY20 STRM DRAIN SEDIMN	0.00	2,675.00
1011	97503	08/14/20	314	SAN ELIJO JPA	00165006570	FY20 GENERATR MAINT	0.00	3,288.00
TOTAL CHECK							0.00	631,181.00
1011	97504	08/14/20	88	SANTA FE HILLS HOA	20475007520	LNDSCAPE MAINT-JUN	0.00	16,250.00
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	00165006560	005506015 05/16-07/15	0.00	117.34
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	00165006560	005506016 05/16-07/15	0.00	276.20
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	20375007510	005979004 05/16-07/15	0.00	416.73
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	20375007510	007732000 05/16-07/15	0.00	150.23
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	00165006560	005979003 05/16-07/15	0.00	36.66
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	00165006560	005979003SFID MISAPLD	0.00	217.48
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	20475007520	005979030 02/15-04/16	0.00	-217.48
1011	97505	08/14/20	141	SANTA FE IRRIGATION DIST	20475007520	005979029 02/15-04/16	0.00	217.48
TOTAL CHECK							0.00	1,214.64
1011	97506	08/14/20	169	SDG&E CO INC	55000007750	SEA CCA SVC-JUN	0.00	2,334.28
1011	97507	08/14/20	31	SOLANA BEACH CHAMBER OF	25055005570	Q3 VISITOR CENTER	0.00	-3,750.00
1011	97507	08/14/20	31	SOLANA BEACH CHAMBER OF	25055005570	Q2 VISITOR CENTER	0.00	-3,750.00
1011	97507	08/14/20	31	SOLANA BEACH CHAMBER OF	25055005570	Q3 VISITOR CENTER	0.00	3,750.00
1011	97507	08/14/20	31	SOLANA BEACH CHAMBER OF	25055005570	Q4 VISITOR CENTER	0.00	3,750.00
1011	97507	08/14/20	31	SOLANA BEACH CHAMBER OF	25055005570	Q2 VISITOR CENTER	0.00	3,750.00
TOTAL CHECK							0.00	3,750.00
1011	97508	08/14/20	683	STATE CONTROLLER'S OFFIC	00160006140	2019 OFFSET PROGRAM	0.00	54.03
1011	97509	08/14/20	5904	SUFIA HERBST	001	RFND-ENC20-0072/362 N	0.00	226.00
1011	97510	08/14/20	5885	TELEFLEX LLC	27060006120	3 AIRTRAQ WIFI CAMERAS	0.00	2,666.81
1011	97511	08/14/20	4899	ZACHARY TOTH	00160006120	INSTRCTR I-TOTH 6/18	0.00	355.00
1011	97512	08/14/20	4933	GREGORY WADE	001	WGWRKS-WADE 11/27/17	0.00	10.66
1011	97513	08/14/20	5594	WEX BANK	00160006120	AUTO FUEL-JUN	0.00	669.57
1011	97513	08/14/20	5594	WEX BANK	00160006120	CR EXEMPT TAX-JUN	0.00	-50.33
TOTAL CHECK							0.00	619.24
1011	97514	08/14/20	5905	WILL YE	001	RFND-ENC20-0063/336 H	0.00	543.00
1011	97515	08/14/20	5907	WILLIAM HANAN	001	RFND-DRP1719.10 VIEW	0.00	600.00
1011	97516	08/20/20	4711	ABEL PEREZ	00165006560	MILEAGE-08/09/20	0.00	8.05
1011	97517	08/20/20	4568	ACTION TROPHIES & ENGRAV	00150005150	COUNCIL NAME BADGES	0.00	27.32
1011	97518	08/20/20	5911	ALLWAYS FIRE PROTECTION	001	REFUND BC APPLICATION	0.00	4.00
1011	97518	08/20/20	5911	ALLWAYS FIRE PROTECTION	001	REFUND BC APPLICATION	0.00	103.00
TOTAL CHECK							0.00	107.00

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1011	97519	08/20/20	174	AMERICAN PUBLIC WORKS AS	00165006510	20/21 MEMBR-5 ENG/PW	0.00	303.33
1011	97519	08/20/20	174	AMERICAN PUBLIC WORKS AS	00165006520	20/21 MEMBR-5 ENG/PW	0.00	303.33
1011	97519	08/20/20	174	AMERICAN PUBLIC WORKS AS	50900007700	20/21 MEMBR-5 ENG/PW	0.00	303.34
TOTAL CHECK							0.00	910.00
1011	97520	08/20/20	3480	BUSINESS PRINTING COMPAN	00150005350	WINDOW ENVELOPES	0.00	716.37
1011	97522	08/20/20	1914	US BANK	00150005450	PRIME MEMBERSHIP	0.00	128.22
1011	97522	08/20/20	1914	US BANK	00150005450	PRIME MEMBERSHIP	0.00	-14.00
1011	97522	08/20/20	1914	US BANK	00150005450	HOSTING DOMAINS-JUNE	0.00	9.95
1011	97522	08/20/20	1914	US BANK	00150005200	NAME TAGS/SHARPIE	0.00	12.36
1011	97522	08/20/20	1914	US BANK	00160006170	GLUE FOR ACCESS SIGNS	0.00	15.60
1011	97522	08/20/20	1914	US BANK	00160006170	3 HOLE PUNCH	0.00	19.97
1011	97522	08/20/20	1914	US BANK	00165006560	CAR WASH	0.00	19.99
1011	97522	08/20/20	1914	US BANK	00160006170	CLEANER	0.00	20.10
1011	97522	08/20/20	1914	US BANK	00160006170	MATTRESS COVER	0.00	21.27
1011	97522	08/20/20	1914	US BANK	00160006170	SPARK PLUGS	0.00	21.53
1011	97522	08/20/20	1914	US BANK	00160006170	2PROT PLN/TECH SUPPRT	0.00	21.98
1011	97522	08/20/20	1914	US BANK	00160006170	TABLECLOTH	0.00	29.08
1011	97522	08/20/20	1914	US BANK	00165006510	DISPOSABLE FACE MASKS	0.00	43.08
1011	97522	08/20/20	1914	US BANK	00160006170	TONER	0.00	50.52
1011	97522	08/20/20	1914	US BANK	00165006570	PAINT-LCCC	0.00	62.20
1011	97522	08/20/20	1914	US BANK	00150005450	A#301097995 5/18-6/17	0.00	62.75
1011	97522	08/20/20	1914	US BANK	00160006170	TONER	0.00	66.68
1011	97522	08/20/20	1914	US BANK	00160006170	STORAGE CONTAINERS	0.00	66.79
1011	97522	08/20/20	1914	US BANK	00160006170	PATIO UMBRELLA	0.00	67.87
1011	97522	08/20/20	1914	US BANK	00160006170	STINGRAY BAGS	0.00	70.85
1011	97522	08/20/20	1914	US BANK	00160006170	TONER	0.00	74.23
1011	97522	08/20/20	1914	US BANK	00165006570	VACUUM CLEANER	0.00	86.19
1011	97522	08/20/20	1914	US BANK	00160006170	UMBRELLA	0.00	89.91
1011	97522	08/20/20	1914	US BANK	550	QUICKBOOKS-JUNE	0.00	197.79
1011	97522	08/20/20	1914	US BANK	00160006170	2 TABLET STANDS	0.00	209.68
1011	97522	08/20/20	1914	US BANK	00160006170	TAPE/2 MEGAPHONE	0.00	212.12
1011	97522	08/20/20	1914	US BANK	00160006170	16 FLAGS	0.00	213.68
1011	97522	08/20/20	1914	US BANK	00160006170	4 DIVING FLASHLIGHTS	0.00	284.36
1011	97522	08/20/20	1914	US BANK	00160006170	5 RESCUE CANS	0.00	339.00
1011	97522	08/20/20	1914	US BANK	00150005150	2020 CA MUNI LAW BOOK	0.00	476.66
1011	97522	08/20/20	1914	US BANK	00150005450	301097995 05/18-06/17	0.00	53.50
1011	97522	08/20/20	1914	US BANK	00150005450	301097995 04/18-05/17	0.00	125.50
TOTAL CHECK							0.00	3,159.41
1011	97523	08/20/20	5822	CALIFORNIA OFFICE CLEANI	00165006570	JANITORIAL SVC-JUN	0.00	6,400.00
1011	97523	08/20/20	5822	CALIFORNIA OFFICE CLEANI	00165006570	JNTRL SVC-6/15	0.00	75.00
1011	97523	08/20/20	5822	CALIFORNIA OFFICE CLEANI	00165006570	COVID-19 CLN-JUN	0.00	2,304.00
TOTAL CHECK							0.00	8,779.00
1011	97524	08/20/20	693	CODE PUBLISHING COMPANY	00150005150	MUNI CODE-PRNT SPLMNT	0.00	595.50
1011	97525	08/20/20	108	DEL MAR BLUE PRINT COMPA	00150005150	DISTRICT MAPS (2)	0.00	25.58
1011	97526	08/20/20	213	DEPARTMENT OF TRANSPORTA	00165006540	ELECT 04/20-06/20	0.00	1,503.65

PENTAMATION
 DATE: 08/25/2020
 TIME: 13:46:25

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

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SELECTION CRITERIA: transact.gl_cash='1011' and transact.ck_date between '20200808 00:00:00.000' and '20200821 00:00:00.000'
 ACCOUNTING PERIOD: 2/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97527	08/20/20	5610	ERGOSTOP INC.	00165006570	SNEEZE GUARDS	0.00	1,729.39
1011	97528	08/20/20	94	ESGIL CORPORATION	00160006120	FIRE PRMT 06/08-06/12	0.00	150.00
1011	97528	08/20/20	94	ESGIL CORPORATION	00155005560	BLDG PRMT 06/08-06/12	0.00	5,057.72
TOTAL CHECK							0.00	5,207.72
1011	97529	08/20/20	223	FEDEX	00150005150	SHIPPING-07/13/20	0.00	52.68
1011	97530	08/20/20	322	FIRE ETC.	00160006120	FORD-JACKET	0.00	204.73
1011	97531	08/20/20	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 08/21/20	0.00	12,673.24
1011	97532	08/20/20	3859	ICMA RETIREMENT TRUST-RH	001	ICMA PD 08/21/20	0.00	2,019.89
1011	97533	08/20/20	1565	LOCAL GOVERNMENT PUBLICA	00150005150	CA LAND USE-2020 UPDT	0.00	143.56
1011	97534	08/20/20	5407	PJ CASTORENA, INC.	55000007750	CCA JNT RT MLR6/26,29	0.00	3,213.41
1011	97535	08/20/20	4522	NISSHO OF CALIFORNIA	00165006560	PRKS LNDSCP SVC-SEP	0.00	845.99
1011	97535	08/20/20	4522	NISSHO OF CALIFORNIA	20875007580	CRT LNDSCP SVC-ANNUL	0.00	646.91
TOTAL CHECK							0.00	1,492.90
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-PW-JUL	0.00	5.00
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-LC-JUL	0.00	8.20
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-LC-JUL	0.00	8.20
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-LC-JUL	0.00	8.20
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-PW-JUL	0.00	8.20
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-CH-JUL	0.00	23.97
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-CH-JUL	0.00	31.00
1011	97536	08/20/20	5608	PALOMAR MTN PREMIUM SPRI	00165006570	DRINKING WATER-CH-JUL	0.00	31.96
TOTAL CHECK							0.00	124.73
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.12/362 N. SIERRA	0.00	250.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1719.09/632 MAR VISTA	0.00	250.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1719.12/601 N. CEDROS	0.00	250.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP19009/520 N CEDROS	0.00	300.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP20005/537 N. GRANA	0.00	300.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.42/329 S RIOS	0.00	300.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1719.07/336 S NARDO	0.00	375.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	B200073/810 SEABRI	0.00	600.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP20002/622 GLENMONT	0.00	450.00
1011	97537	08/20/20	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP20007/778 W SOLANA	0.00	450.00
TOTAL CHECK							0.00	3,525.00
1011	97538	08/20/20	5912	RODNEY GREEK	00150005400	LIVESCAN-GREEK	0.00	28.00
1011	97539	08/20/20	141	SANTA FE IRRIGATION DIST	00165006560	005979005 0602-073120	0.00	359.30
1011	97539	08/20/20	141	SANTA FE IRRIGATION DIST	50900007700	005979008 0602-073120	0.00	87.70
1011	97539	08/20/20	141	SANTA FE IRRIGATION DIST	20475007520	GRP 5-25 06/02-07/31	0.00	4,969.85
TOTAL CHECK							0.00	5,416.85

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FUND - 001 - GENERAL FUND

CASH ACCT CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97540	08/20/20 169	SDG&E CO INC	20375007510	UTILITES-05/06-06/07	0.00	11.60
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	17.18
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	26.65
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	36.46
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	46.61
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	49.49
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	55.42
1011	97540	08/20/20 169	SDG&E CO INC	00165006570	UTILITES-4/30-5/31	0.00	112.07
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-05/06-06/07	0.00	181.44
1011	97540	08/20/20 169	SDG&E CO INC	00165006570	UTILITES-05/06-06/07	0.00	396.52
1011	97540	08/20/20 169	SDG&E CO INC	00165006540	UTILITES-6/05-7/07	0.00	426.06
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-6/05-7/07	0.00	469.96
1011	97540	08/20/20 169	SDG&E CO INC	00165006570	UTILITES-05/06-06/07	0.00	572.80
1011	97540	08/20/20 169	SDG&E CO INC	00165006530	UTILITES-6/07-7/07	0.00	719.22
1011	97540	08/20/20 169	SDG&E CO INC	00165006540	UTILITES-6/07-7/07	0.00	978.35
1011	97540	08/20/20 169	SDG&E CO INC	20375007510	UTILITES-6/07-7/07	0.00	2,368.93
1011	97540	08/20/20 169	SDG&E CO INC	00165006570	UTILITES-6/05-7/07	0.00	2,514.72
1011	97540	08/20/20 169	SDG&E CO INC	00165006570	UTILITES-6/07-7/07	0.00	4,941.02
1011	97540	08/20/20 169	SDG&E CO INC	21100007600	UTILITES-4/30-5/31	0.00	6,516.14
1011	97540	08/20/20 169	SDG&E CO INC	21100007600	UTILITES-6/05-7/07	0.00	6,533.60
TOTAL CHECK						0.00	26,974.24
1011	97541	08/20/20 1073	SEASIDE HEATING & AIR CO	00165006570	AS NEEDED RPR-CH	0.00	8,400.00
1011	97542	08/20/20 3909	SECTRAN SECURITY INC	12050005460	COURIER SVC-JUN	0.00	113.37
1011	97542	08/20/20 3909	SECTRAN SECURITY INC	12050005460	COURIER SVC FUEL-JUN	0.00	14.68
TOTAL CHECK						0.00	128.05
1011	97543	08/20/20 230	SHURLOCK FENCE COMPANY	00165006560	RLC CHN FNCE-OUT LOOK	0.00	425.00
1011	97544	08/20/20 5725	SIEMENS MOBILITY, INC.	21100007600	ST LIGHT REPAIR-JUN	0.00	2,840.72
1011	97544	08/20/20 5725	SIEMENS MOBILITY, INC.	00165006540	TRAFFIC SGNL MNT-JUN	0.00	1,062.88
1011	97544	08/20/20 5725	SIEMENS MOBILITY, INC.	00165006540	TRAFFIC CALL OUT-JUN	0.00	740.70
1011	97544	08/20/20 5725	SIEMENS MOBILITY, INC.	00165006540	TRFC SGNL RPR-LSF/PLZ	0.00	1,550.38
TOTAL CHECK						0.00	6,194.68
1011	97545	08/20/20 1231	STAPLES CONTRACT & COMME	00150005350	FINGER PADS	0.00	3.53
1011	97545	08/20/20 1231	STAPLES CONTRACT & COMME	00150005350	FNGR PADS/HGHLTRS	0.00	19.63
1011	97545	08/20/20 1231	STAPLES CONTRACT & COMME	00150005300	THUMB DRIVES	0.00	35.89
TOTAL CHECK						0.00	59.05
1011	97546	08/20/20 4809	WILLIAM STYERS	00150005400	STYERS-TXBKS LAB BIO	0.00	234.61
1011	97547	08/20/20 5885	TELEFLEX LLC	27060006120	3 AIRTRAQ SP-SMALL	0.00	258.54
1011	97547	08/20/20 5885	TELEFLEX LLC	27060006120	3 AIRTRAQ SP-REGULAR	0.00	258.54
TOTAL CHECK						0.00	517.08
1011	97548	08/20/20 2759	TRISTAR RISK MANAGEMENT	12550005465	FY20 CLAIMS SVC-Q2	0.00	6,630.62
1011	97548	08/20/20 2759	TRISTAR RISK MANAGEMENT	12550005465	FY20 CLAIMS SVC-Q3	0.00	6,630.62
1011	97548	08/20/20 2759	TRISTAR RISK MANAGEMENT	12550005465	FY20 CLAIMS SVC-Q4	0.00	6,630.63
1011	97548	08/20/20 2759	TRISTAR RISK MANAGEMENT	12550005465	FY20 CLAIMS SVC-Q1	0.00	6,630.63
TOTAL CHECK						0.00	26,522.50

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97549	08/20/20	2896	URBAN FUTURES INC	50900007700	2017 WSTWTR BND	0.00	2,150.00
1011	97549	08/20/20	2896	URBAN FUTURES INC	50900007700	2017 SWR REVENUE BNDS	0.00	1,250.00
1011	97549	08/20/20	2896	URBAN FUTURES INC	50900007700	2011 REFUND REV BOND	0.00	1,250.00
1011	97549	08/20/20	2896	URBAN FUTURES INC	65278007820	2017 TAX ALLOC BONDS	0.00	600.00
TOTAL CHECK							0.00	5,250.00
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	21100007600	PW CELL 06/02-07/01	0.00	5.04
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	50900007700	PW CELL 06/02-07/01	0.00	5.04
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	00165006540	PW CELL 06/02-07/01	0.00	20.18
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	00165006560	PW CELL 06/02-07/01	0.00	20.18
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	00165006520	PW CELL 06/02-07/01	0.00	25.22
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	00165006530	PW CELL 06/02-07/01	0.00	25.22
1011	97550	08/20/20	30	VERIZON WIRELESS-SD	00165006510	PW CELL 06/02-07/01	0.00	25.23
TOTAL CHECK							0.00	126.11
1011	97551	08/20/20	3723	WAGeworks	00150005400	FSA ADMIN-JUN	0.00	123.50
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	C9065XLS CLRKS-JUN	0.00	271.68
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	C9065XLS CLRKS-MAY	0.00	271.68
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS BLK-4/30-5/25	0.00	27.60
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS CLR-4/30-5/25	0.00	4.88
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	C9065XLS UPSTRS-MAY	0.00	298.25
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	C9065XLS UPSTRS-JUN	0.00	298.25
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS BLK-4/30-5/21	0.00	16.13
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS CLR-4/30-5/21	0.00	3.01
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	C9070XLS PLANNG -MAY	0.00	546.78
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	C9070XLS PLANNG-JUN	0.00	546.78
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS BLK-4/28-5/20	0.00	15.50
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS CLR-4/28-5/20	0.00	25.03
1011	97552	08/20/20	37	XEROX CORPORATION	00150005350	EXCESS COPIES2/21-3/01	0.00	76.41
TOTAL CHECK							0.00	2,401.98
1011	V9000151	08/14/20	4600	KYLE KOSZEWNIK	00150005300	KK-COVID-19 WEBNR	0.00	75.00
1011	V9000152	08/20/20	5565	MUFG UNION BANK 2017 SEJ	50900007700	2017 SEJPA TRSTEE FEE	0.00	1,350.00
1011	V9000153	08/20/20	13	SOLANA BEACH FIREFIGHTER 001		FD DUES PD 08/21/20	0.00	863.50
1011	V9000154	08/20/20	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-DRP 1719.11	0.00	366.16
1011	V9000154	08/20/20	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-DRP 1718.02	0.00	373.07
1011	V9000154	08/20/20	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-DRP 1717.47	0.00	373.07
1011	V9000154	08/20/20	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRG-TE20-001 SEAC	0.00	308.09
TOTAL CHECK							0.00	1,420.39
TOTAL CASH ACCOUNT							0.00	879,329.74
TOTAL FUND							0.00	879,329.74
TOTAL REPORT							0.00	879,329.74



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: Finance
SUBJECT: **Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2020/21**

BACKGROUND:

Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget.

The information provided in this Staff Report lists the changes made through August 26, 2020.

DISCUSSION:

The following table reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 12, 2019 (Resolution 2019-085) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES As of August 26, 2020						
Action	Description	Revenues	Expenditures	Transfers from GF		Net Surplus
Reso 2019-085	Adopted Budget	19,827,600	(19,602,500)	(151,100)	(1)	\$ 74,000
Reso 2020-101	FY2019/20	(495,000)	361,000	80,000		20,000
	(1) Transfers to:					
	Debt Service for Public Facilities		151,100			
				151,100		
	(2) Transfer to:					
	City CIP Fund		(80,000)			
				(80,000)		

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

FISCAL IMPACT:

N/A

COUNCIL ACTION:

WORK PLAN:

N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report listing changes made to the FY 2020-2021 General Fund Adopted Budget.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: City Clerk's Department
SUBJECT: **League of California Cities' 2020 Annual Business Meeting
Voting Delegates Designees**

BACKGROUND:

The League of California Cities (League) has announced the 2020 Annual Conference will be held virtually (instead of at the Long Beach Convention Center) on October 7-9, 2020. Attendance will be live in real time with educational sessions and networking opportunities. The Annual Business Meeting will be held on October 9th where the League membership will consider and take action on resolutions that establish League policy. The League resolutions and policy-making decisions, in conjunction with the League's efforts, help guide cities to improve the quality and responsiveness of local government. The League requires each City Council to designate its voting delegate, and may appoint up to two alternate voting delegates.

This item is before Council to officially appoint voting delegates for the League's 2020 Annual Conference, as required, which the City Clerk will attest and forwarded to the League.

DISCUSSION:

Consistent with League bylaws, a City's voting delegate and alternate(s) must be designated by City Council action in order to act on behalf of the City of Solana Beach. The voting delegate and alternate(s) must be registered to attend the conference, and at least one delegate must be virtually present at the Business Meeting. Each registration is for a single person, and sharing of registration is prohibited. The voting will be done through the online session platform.

Designated Delegates

Currently serving on the League Executive Committee of San Diego County are Councilmember Becker, primary, and Councilmember Harless, alternate, having been appointed in January 2019.

CITY COUNCIL ACTION: _____ _____

Designating Additional Alternate Delegate

In the past, the City Council has appointed the City Manager as a second alternate, in case either the primary or alternate are unable to be present at the meeting when votes are called. Therefore, City Manager Gregory Wade is recommended to be appointed as the 2nd alternate voting delegate.

CEQA COMPLIANCE STATEMENT: N/A

FISCAL IMPACT:

Fiscal impact is the cost of \$50 registration for each League member-city official. Originally, costs for the delegates' travel, lodging and meals was budgeted. With the conference being held virtually, costs will be reduced considerably.

WORK PLAN: N/A

OPTIONS:

- Appoint voting delegates to represent the City of Solana Beach at the 2020 League of California Cities Annual Conference.
- Do not appoint voting delegates, forfeiting all or some voting rights for Solana Beach.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Appoint Councilmember Becker, primary voting delegate, Councilmember Harless, 1st alternate, and City Manager Gregory Wade, 2nd alternate, as the voting delegates for the 2020 Annual Business Meeting of the League of California Cities Annual Conference being held virtually, or provide alternative appointments.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities before September 30, 2020.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Correspondence from League of California Cities, Voting Procedures, and Delegate/Alternate Form.
2. Virtual Meeting Announcement and Tentative Schedule.
3. League Conference Resolution Packet



Council Action Advised by August 31, 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

ATTACHMENT 1

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: Solana Beach

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



Registration Now Open for the League of California Cities 2020 Annual Conference & Expo

Join us and your fellow city officials from throughout the state as we come together virtually to learn, collaborate, and celebrate at the League's 2020 Annual Conference & Expo.

Taking place on Oct. 7-9, the League's annual meeting promises to be an unparalleled educational and networking event, including dynamic panel discussions, keynotes, breakout sessions, and opportunities to connect directly with your peers. We're especially excited to introduce our new interactive Expo!

Mark your calendars to attend live and [secure your spot now!](#)

Many opportunities emerge in a virtual environment that are impossible in an in-person conference, and we are excited to offer this reimagined experience.

Recognizing the budget constraints that cities are experiencing due to the pandemic, this year's conference will be more financially accessible to all members.

Register now for the most important event of the year for many city officials and stay tuned for upcoming announcements on speakers and sessions you don't want to miss!

Your full registration includes:

- Your ticket to all virtual educational sessions and networking opportunities
- Access to recordings of all educational sessions for six months after the conclusion of the conference
- Electronic access to all program materials
- Access to the Virtual Expo

Full conference registration starts at **\$50 for League member-city officials.**

In order to register for the annual conference, you will need to set up a password connected to your registration. Each individual registering for the conference is required to use their own unique email address connected to their registration.

Conference Registration is required to attend all conference activities including the General Assembly. Each registration is for a single person. Sharing of registration is prohibited.

Questions or special needs? Contact our conference registrar at mdunn@cacities.org before **Thursday, Oct. 1.**

Visit <https://www.cacities.org/AC> for more information.

PRELIMINARY SCHEDULE AT A GLANCE

As of July 28, 2020 (*subject to change*)

Wednesday, October 7

10:00 - 11:30 a.m.

1:00 - 2:15 p.m.

2:30 - 3:45 p.m.

4:00 - 5:15 p.m.

Evening

All Day

Opening General Session

Concurrent Sessions

Concurrent Sessions

Concurrent Sessions

Networking Opportunities

Virtual Expo Open

Thursday, October 8

9:00 - 10:30 a.m.

10:45 a.m. - 12:00 p.m.

12:00 - 12:45 p.m.

12:45 - 2:00 p.m.

1:00 - 2:15 p.m.

1:30 - 2:15 p.m.

2:15 - 3:30 p.m.

3:00 - 3:45 p.m.

3:45 - 5:00 p.m.

Evening

All Day

General Session

Concurrent Sessions

League Partner Speaker Theater

Concurrent Sessions

General Resolutions Committee

League Partner Speaker Theater

Concurrent Sessions

League Partner Speaker Theater

Concurrent Sessions

Networking Opportunities

Virtual Expo Open

Friday, October 9

9:00 - 10:15 a.m.

10:30 - 11:45 a.m.

11:00 - 12:00 p.m.

1:00 - 2:30 p.m.

All Day

Concurrent Sessions

Concurrent Sessions

General Assembly (Consideration of Resolutions Only)

Closing Session

Virtual Expo Open

NOTE: Conference Registration is required to attend all conference activities including Department and Division meetings and the General Assembly.



August 21, 2020

To: Mayors, City Managers and City Clerks

From: Melanie Perron, Deputy Executive Director, Advocacy and Public Affairs

Re: League's 2020 Annual Conference Resolution Packet

Please find an enclosed copy of the 2020 Resolution Packet for the League of California Cities' 2020 Annual Conference and Expo being held virtually October 7 – 8. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac.

One resolution has been submitted. The attached packet contains the proposed resolution, background materials supplied by the sponsors, supporting letters from cities and city officials, and League staff analyses for the resolution. The packet also includes detailed information on the League's resolution process. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

Voting Delegates: In order to vote during the General Assembly, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. If your city has not already done so, Please complete the Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference. The General Assembly will be held virtually on Friday, October 9 at 11:00 a.m. (subject to change).

We encourage each city council to consider the resolution and to determine a city position so that your voting delegate can represent your city's position on the resolution. Should you have any questions regarding the attached material, please contact Meg Desmond at mdesmond@cacities.org or by phone 916-837-6822.

ATTACHMENT 3



*Annual Conference
Resolutions Packet*

2020 Annual Conference Resolutions



October 7 – 9, 2020

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

- 1. Policy Committee
- 2. General Resolutions Committee
- 3. General Assembly

KEY TO ACTIONS TAKEN

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
Bijan Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
Public Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

¹ The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders’ respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution’s impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone’s privacy?*

Support:

The following letters of concurrence were received:

City of Hawaiian Gardens
City of Lakewood
City of Ontario
City of Rancho Cucamonga
City of Roseville

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



CITY OF HAWAIIAN GARDENS

"Our Youth - Our Future"

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Ariel Pe
Council Member

Steve Craft
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Rogers".

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood



PAUL S. LEON
MAYOR

SCOTT OCHOA
CITY MANAGER

DEBRA DORST-PORADA
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ
CITY CLERK

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

JAMES R. MILHISER
TREASURER

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

- c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
- Meg Desmond, League of California Cities - mdesmond@cacities.org
- Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
- Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Allard II", is written over a horizontal line.

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: City Manager's Office
SUBJECT: **Council Consideration of Resolution No. 2020-126 Approving an Amendment to the Memorandum Of Understanding with the Solana Beach School District and a Professional Services Agreement with All City Management Services, Inc. for Crossing Guard Services, Appropriating Corresponding Funds**

BACKGROUND:

On July 10, 2018, City Council (Council) approved an agreement with All City Management Services (ACMS) for Crossing Guard Services (Agreement) in response to community concerns over pedestrian safety crossing the on- and off-ramps to Interstate 5 on Lomas Santa Fe Drive. Particular concern was expressed for the safety of children walking to and from school. The City partnered with the Solana Beach School District (District) to enter into a cost-share agreement to provide crossing guard services at these locations. Council approved a Memorandum of Understanding (MOU) between the City and the District in which it was stated that the District would reimburse the City for 65% of the costs of the crossing guard Agreement. The Agreement and corresponding School District MOU were subsequently amended on August 22, 2018 and again on April 10, 2019 to add two additional guards (8 guards total) and extend the agreement for the 2019-2020 school year.

Although the initial Agreement had additional extension options built in, costs for the crossing guard services have increased enough to warrant a new agreement between the City and ACMS. The City would also like to execute a new MOU amendment with the District to capture the new costs and crossing guard numbers and locations. The new Agreement with ACMS will also reflect the uncertain situation regarding school openings and closures due to the COVID-19 pandemic and corresponding public health orders and ensures the City will only be charged for services if rendered.

COUNCIL ACTION:

This item is before Council to consider Resolution 2020-126 (Attachment 1) to approve an Amendment (Attachment 2) to the MOU between the City and the District for Crossing Guard Services. If Council approves the Amendment, Staff recommends the Council authorize the City Manager to enter into a new Professional Services Agreement (PSA) with ACMS (Attachment 3) to provide crossing guard services for one year with the option to extend the agreement for up to four additional one-year terms.

DISCUSSION:

In an interest to promote safe walking and biking throughout the community, the City entered into a cooperative MOU with the District in 2018 to share the costs of professional crossing guard services along the I-5 and Lomas Santa Fe corridor during the times students walk to and from school. The original agreement amount was for \$59,242. Since that time, the Agreement was amended twice such that two additional guards were added to the program. After the amendments, the annual cost of the program increased to \$96,103 to cover the remainder of the 2018-2019 school year and the cost for the full program for the 2019-2020 school year would have been \$128,448 had schools not shut down early due to the COVID-19 pandemic. The hourly fees charged by ACMS have risen due to new minimum wage laws and other increased business costs. Thus, a crossing guard program for the 2020-2021 school year utilizing 8 guards has an annual cost of \$137,952.

This cost assumes a normal school year. However, due to the COVID-19 pandemic, the status of school openings and closures remains fluid and uncertain. ACMS understands the situation and is willing to provide crossing guard services on an as-needed basis and only bill the City for services actually rendered. So, the actual contract costs for the 2020-2021 school year could be lower unless in-person learning resumes on a regular basis.

The original terms of the MOU with the District will remain unchanged. Those terms include a cost-share provision outlined in Sections 3 and 4 whereby the District is responsible for sixty-five percent (65%) of the actual costs of providing crossing guard services as outlined in the agreement. The City will be responsible for thirty-five percent (35%) of the costs as well as conducting administration and contract management services.

Staff recommends that City Council consider approving the Amended MOU with the Solana Beach School District (District) and updated PSA with ACMS.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The total cost for the first year of the updated ACMS PSA is not to exceed \$137,952. The District will reimburse the City for sixty-five percent of this cost, or \$89,668.80, with the remaining thirty-five percent, or \$48,283.20, being paid by the City. If the agreement were renewed for an additional four years with the Solana Beach School District cost-share arrangement in place and without an annual increase in costs, the total fiscal impact to the City over the life of the agreement would be \$241,416.

Funding for this was approved as part of the FY2020/21 Budget update approved in June 2020.

WORK PLAN:

In the FY 2018/19 Work Plan, this item is Community Character – Land Use and Planning – Priority Item 9

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation and provide direction.

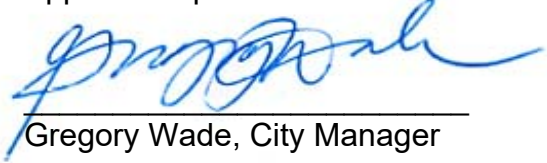
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council consider adoption of Resolution 2020-126:

1. Approving the Amended MOU with the Solana Beach School District for crossing guard services.
2. Approving the updated PSA with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one-year terms.
3. Authorize the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.4.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2020-126
2. Amended Solana Beach School District Memorandum of Understanding
3. Updated Professional Services Agreement with ACMS

RESOLUTION 2020-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE AMENDED MEMORANDUM OF UNDERSTANDING WITH THE SOLANA BEACH SCHOOL DISTRICT AND THE UPDATED PROFESSIONAL SERVICES AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES, APPROPRIATING CORRESPONDNG FUNDS

WHEREAS, the City of Solana Beach Fiscal Year (FY) 2018/19 Work Plan directed Staff to explore a partnership with the Solana Beach School District (District) to provide crossing guards on Lomas Santa Fe Drive at the I-5 interchange; and

WHEREAS, the City promotes walking and biking throughout the community to promote a healthier lifestyle and reduce vehicular traffic; and

WHEREAS, the safety of Solana Beach students walking to and from school is paramount; and

WHEREAS, both the City and the District agree that providing crossing guard services will be beneficial to school children and the public as a whole; and

WHEREAS, the District and the City have agreed to share the costs to provide crossing guard services and on July 10, 2018, the City Council approved a Memorandum of Understanding (MOU) with the District (District) for crossing guard services and a Professional Services Agreement (PSA) with ACMS Inc. to provide those services; and

WHEREAS, on August 22, 2018, the City Council approved an amended MOU with the District and an amended PSA with ACMS for crossing guard services to include the intersection at Santa Helena and Lomas Santa Fe; and

WHEREAS, on April 10, 2019 the City Council approved another amendment to the District MOU and ACMS PSA to add the intersection at Lomas Santa Fe Drive and Stevens Avenue to the program; and

WHEREAS, the program costs with ACMS have risen due to the additional guards, increases in minimum wage and other business costs that necessitate an update of the PSA to reflect the new terms for the City Council and District to consider.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. The above recitations are true and correct.

ATTACHMENT 1

2. The City Council hereby approves the Amended Memorandum of Understanding between the City and Solana Beach School District.

3. The City Council hereby approves the updated Professional Services Agreement with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one-year terms.

4. The City Council authorizes the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.

PASSED AND ADOPTED this 9th day of September 2020, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

**AMENDMENT NO. 3 TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SOLANA BEACH AND
SOLANA BEACH SCHOOL DISTRICT FOR CROSSING GUARD SERVICES**

This Amendment No. 3 to the memorandum of understanding (MOU) entered into and effective as of the 9th of September 2020 by and between the City of Solana Beach, a municipal corporation, ("City"), and **the Solana Beach School District.**, ("District") (collectively, the "Parties") for crossing guard services.

RECITALS

A. City and District entered into an MOU to share the costs of crossing guard services on July 30, 2018.

B. On August 22, 2018, the City Council approved an amended MOU with the District and an amended PSA with ACMS for crossing guard services to include the intersection at Santa Helena and Lomas Santa Fe.

C. On April 10, 2019, the City Council approved an amended MOU with the District and an amended PSA with ACMS to add the crosswalk at Lomas Santa Fe Drive and Stevens Avenue to the program.

D. Pursuant to Resolution 2020-126, under the City Manager's authorization, the Parties desire to amend the scope of services and fee of the Professional Services Agreement with ACMS, Inc, the provider of the crossing guard services, to reflect the 2020-2021 school year costs for 8 crossing guards which is \$137,952, and to amend the MOU with the District to reflect this change.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, City and Contractor agree as follows:

1. The Parties have agreed to a revised Exhibit A to the MOU which is attached to and incorporated by this reference as Exhibit "A".

2. All other provisions of the MOU, as may have been amended from time to time, shall remain in full force and effect.

ATTACHMENT 2

3. The individuals executing this MOU and the instruments referenced on behalf of District each represent and warrant that they have the legal power, right and actual authority to bind the District to the terms and conditions hereof of this Amendment.

DISTRICT

CITY OF SOLANA BEACH, a municipal corporation of the State of California

By:

Lisa Davis
Assistant Superintendent, Business
Services
Solana Beach School District

Greg Wade, City Manager

APPROVED AS TO CONTENT:

Dan King
Assistant City Manager

APPROVED AS TO FORM:

Johanna N. Canlas, City Attorney

ATTEST:

Angela Ivey, City Clerk

EXHIBIT "A" SCOPE OF SERVICES AND FEE

The Scope of Work for the 2020-2021 school year could change on short notice due to the opening and closing of schools as dictated by Public Health Orders during the COVID-19 pandemic. The hours and fees below reflect services if school were open for in-person learning during a normal school year with no shutdowns. The School District and the CITY will strive to communicate with the CONSULTANT as expediently as possible once known whether services will be needed if schools open or conversely if services will no longer be needed if schools are ordered to close after having opened. The CONSULTANT shall only bill the CITY for services actually rendered.

Billing Rate for 2020/2021: \$23.95

KEY:

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

For sites with one regularly scheduled early release day/week, use 144 regular days and 36 minimum days

Sites with traditional calendar:

		32		180		\$23.95	=	\$137,952.00
8	Sites at 4.0 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

TOTAL PROJECTED HOURS

5760

TOTAL ANNUAL PROJECTED COST

\$137,952.00

Locations:



City of Solana Beach
PROFESSIONAL SERVICES AGREEMENT
FOR PROFESSIONAL SERVICE

This Professional Services Agreement (“AGREEMENT”) is made and entered into this 9th day of September, 2020 by and between the CITY OF SOLANA BEACH, a municipal corporation (“CITY”), and, ACMS a California corporation, etc., (“CONSULTANT”) (collectively “PARTIES”).

WHEREAS, the CITY desires to employ a CONSULTANT to furnish PROFESSIONAL CROSSING GUARD SERVICES (“PROFESSIONAL SERVICES”) for a school-year Crossing Guard Program (“PROJECT”); and

WHEREAS, the CITY has determined that CONSULTANT is qualified by experience and ability to perform the services desired by CITY, and CONSULTANT is willing to perform such services; and

WHEREAS, CONSULTANT will conduct all the work as described and detailed in this AGREEMENT to be provided to the CITY.

NOW, THEREFORE, the PARTIES hereto mutually covenant and agree with each other as follows:

1. PROFESSIONAL SERVICES.

- 1.1. Scope of Services.** The CONSULTANT shall perform the PROFESSIONAL SERVICES as set forth in the written Scope of Services, attached as Exhibit “A” Scope of Services and Fee, at the direction of the CITY. CITY shall provide CONSULTANT access to appropriate staff and resources for the coordination and completion of the projects under this AGREEMENT. For all work to be performed on site in the City, the CITY and CONSULTANT agree that the Scope of Services begins when the CONSULTANT arrives on site and terminates when the CONSULTANT leaves the site. Travel time to and from project site shall not be considered time on the job or compensated by the CITY.
- 1.2. Project Coordinator.** The Senior Management Analyst is hereby designated as the Project Coordinator for CITY and will monitor the progress and execution of this AGREEMENT. CONSULTANT shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this AGREEMENT for CONSULTANT. The Contract Administrator is hereby designated as the Project Director for CONSULTANT.
- 1.3. City Modification of Scope of Services.** CITY may order changes to the Scope of Services within the general scope of this AGREEMENT consisting of additions, deletions, or other revisions. If such changes cause a change in the CONSULTANT’s cost of, or time required for, completion of the Scope of Services, an equitable adjustment to CONSULTANT’s compensation and/or contract time shall be made, subject to the CITY’S approval. All such changes shall be authorized in writing, executed by CONSULTANT and CITY.

2. DURATION OF AGREEMENT.

- 2.1. Term.** The term of this AGREEMENT shall be for a period of one (1) year beginning from the date of execution of the AGREEMENT. Time is of the essence in the performance of work under this AGREEMENT, unless otherwise specified.

ATTACHMENT 3

- 2.2. Extensions.** If marked, the CITY shall have the option to extend the AGREEMENT for four (4) additional one (1) year periods or parts thereof for an amount not to exceed one hundred thirty seven nine hundred fifty two dollars (\$137,952) per AGREEMENT year. Extensions shall be in the sole discretion of the City Manager and shall be based upon CONSULTANT's satisfactory past performance, CITY needs, and appropriation of funds by the City Council. The CITY shall give written notice to CONSULTANT prior to exercising the option.
- 2.3. Delay.** Any delay occasioned by causes beyond the control of CONSULTANT may merit an extension of time for the completion of the Scope of Services. When such delay occurs, CONSULTANT shall immediately notify the Project Coordinator in writing of the cause and the extent of the delay, whereupon the Project Coordinator shall ascertain the facts and the extent of the delay and grant an extension of time for the completion of the PROFESSIONAL SERVICES when justified by the circumstances.
- 2.4. City's Right to Terminate for Default.** Should CONSULTANT be in default of any covenant or condition hereof, CITY may immediately terminate this AGREEMENT for cause if CONSULTANT fails to cure the default within ten (10) calendar days of receiving written notice of the default.
- 2.5. City's Right to Terminate without Cause.** Without limiting its rights in the event of CONSULTANT's default, CITY may terminate this AGREEMENT, without cause, by giving written notice to CONSULTANT. Such termination shall be effective upon receipt of the written notice. CONSULTANT shall be compensated for all effort and material expended on behalf of CITY under the terms of this AGREEMENT, up to the effective date of termination. All personal property remaining in CITY facilities or on CITY property thirty (30) days after the expiration or termination of this AGREEMENT shall be, at CITY's election, considered the property of CITY.

3. COMPENSATION.

- 3.1. Total Amount.** The total cost for all work described in the Scope of Services and Fee (Exhibit "A") shall not exceed one hundred thirty seven thousand nine hundred fifty two dollars (\$137,952) without prior written authorization from CITY. CONSULTANT shall bill the CITY for work provided and shall present a written request for such payment monthly.
- 3.2. Additional Services.** CITY may, as the need arises or in the event of an emergency, request additional services of CONSULTANT. Should such additional services be required, CITY and CONSULTANT shall agree to the cost prior to commencement of these services.
- 3.3. Costs.** Any costs billed to the CITY shall be approved in writing in advance and in accordance with any terms negotiated and incorporated herein as part of Exhibit "A" Scope of Services and Fee.

4. INDEPENDENT CONTRACTOR.

- 4.1.** CONSULTANT is, for all purposes arising out of this AGREEMENT, an independent contractor. The CONSULTANT has and shall retain the right to exercise full control and supervision of all persons assisting the CONSULTANT in the performance of said services hereunder, the CITY only being concerned with the finished results of the work being performed. Neither CONSULTANT nor CONSULTANT's employees shall in any event be entitled to any benefits to which CITY employees are entitled, including, but not limited to, overtime, retirement benefits, workers' compensation benefits, injury leave or other leave benefits. CONSULTANT is solely responsible for all such matters, as well as compliance with social security and income tax withholding and all other regulations and laws governing such matters.

- 4.2 PERS Eligibility Indemnification.** In the event that CONSULTANT's employee providing services under this AGREEMENT claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS of the CITY, CONSULTANT shall indemnify, defend, and hold harmless CITY for the payment of any employer and employee contributions for PERS benefits on behalf of the employee as well as for payment of any penalties and interest on such contributions which would otherwise be the responsibility of the CITY. Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, CONSULTANT's employees providing service under this AGREEMENT shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation and benefit including but not limited to eligibility to enroll in PERS as an employee of CITY and entitlement to any contributions to be paid by CITY for employer contributions and/or employee contributions for PERS benefits.
- 4.3 Indemnification for Employee Payments.** CONSULTANT agrees to defend and indemnify the CITY for any obligation, claim, suit or demand for tax, retirement contribution including any contribution to the PERS, social security, salary or wages, overtime payment, or workers' compensation payment which the CITY may be required to make for work done under this AGREEMENT.
- 4.4** The provisions of this section 4 are continuing obligations that shall survive expiration or termination of this AGREEMENT.

5. STANDARD OF PERFORMANCE.

While performing the PROFESSIONAL SERVICES, CONSULTANT shall exercise the reasonable professional care and skill customarily exercised by reputable members of CONSULTANT's profession practicing in the metropolitan Southern California Area, and will use reasonable diligence and best judgment while exercising its professional skill and expertise.

6. WARRANTY OF CONSULTANT'S LICENSE.

CONSULTANT warrants that CONSULTANT is properly licensed with the applicable government agency(ies) for any PROFESSIONAL SERVICES that require a license. If the CONSULTANT lacks such license, this AGREEMENT is void and of no effect.

7. AUDIT OF RECORDS.

- 7.1.** At any time during normal business hours and as often as may be deemed necessary the CONSULTANT shall make available to a representative of CITY for examination all of its records with respect to all matters covered by this AGREEMENT and shall permit CITY to audit, examine and/or reproduce such records. CONSULTANT shall retain such financial and program service records for at least four (4) years after termination or final payment under this AGREEMENT.
- 7.2.** The CONSULTANT shall include the CITY's right under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

8. CONFIDENTIALITY AND SECURITY.

- 8.1. Confidential Work Product.** All professional services performed by CONSULTANT, including but not limited to all drafts, data, correspondence, proposals, reports, research and estimates compiled or composed by CONSULTANT, pursuant to this AGREEMENT, are for the sole use of the CITY, its agents and employees. Neither the documents nor their contents shall be released to any third party without the prior written consent of the CITY. This provision does not apply to information that (a) was publicly known, or otherwise known to CONSULTANT, at the time that it was disclosed to CONSULTANT by the CITY, (b) subsequently becomes publicly known through no act or omission of CONSULTANT or (c) otherwise becomes known to CONSULTANT other than through disclosure by the CITY. Except for any subcontractors that may be allowed upon prior agreement, neither the documents nor their contents shall be released

to any third party without the prior written consent of the CITY. The sole purpose of this section is to prevent disclosure of CITY's confidential and proprietary information by CONSULTANT or subcontractors.

8.2. Confidentiality. Both parties recognize that their respective employees and agents, in the course of performance of this AGREEMENT, may be exposed to confidential information and that disclosure of such information could violate the rights of private individuals and entities, including the parties and third parties. Confidential information is nonpublic information that a reasonable person would believe to be confidential and includes, without limitation, personal identifying information (e.g., social security numbers) and trade secrets, each as defined by applicable state law, and all other information protected by applicable law ("Confidential Information"). The party receiving Confidential Information ("Receiving Party") of the other ("Disclosing Party") shall not, and shall cause its employees and agents who are authorized to receive Confidential Information, not to, use Confidential Information for any purpose except as necessary to implement, perform or enforce this AGREEMENT or comply with its legal obligations. Receiving Party will use the same reasonable efforts to protect the Confidential Information of Disclosing Party as it uses to protect its own proprietary information and data. The Receiving Party will not disclose or release Confidential Information to any third person without the prior written consent of the Disclosing Party, except for where required by law or for authorized employees or agents of the Receiving Party. Prior to disclosing the Confidential Information to its authorized employees or agents, Receiving Party shall inform them of the confidential nature of the Confidential Information and require them to abide by the terms of this AGREEMENT. Receiving Party will promptly notify Disclosing Party if Receiving Party discovers any improper use or disclosure of Confidential Information and will promptly commence all reasonable efforts to investigate and correct the causes of such improper use or disclosure. If Receiving Party believes the Confidential Information must be disclosed under applicable law, Receiving Party may do so provided that, to the extent permitted by law, the other party is given a reasonable notice and opportunity to contest such disclosure or obtain a protective order. Confidential Information does not include information that: (i) is or becomes known to the public without fault or breach of the Receiving Party; (ii) the Disclosing Party regularly discloses to third parties without restriction on disclosure; or (iii) the Receiving Party obtains from a third party without restriction on disclosure and without breach of a non-disclosure obligation. Confidential Information does not include any information that is required to be provided to the public pursuant to the laws of the United States and/or California such as the California Public Records Act, due to the nature of CITY being a local governmental agency. The non-disclosure and non-use obligations of this AGREEMENT will remain in full force with respect to each item of Confidential Information for a period of ten (10) years after the Receiving Party's receipt of that item.

8.3. Enforcement. Each party acknowledges that any breach of any of the provisions of Section 8 of this AGREEMENT may result in irreparable injury to the other for which money damages would not adequately compensate. If there is a breach, then the injured party shall be entitled, in addition to all other rights and remedies which it may have, to have a decree of specific performance or an injunction issued by any competent court, requiring the breach to be cured or enjoining all persons involved from continuing the breach.

9. CONFLICTS OF INTEREST.

9.1. CONSULTANT shall at all times comply with all federal, state and local conflict of interest laws, regulations, and policies applicable to public contracts and procurement practices, including but not limited to California Government Code Section 81000 *et seq.* (Political Reform Act) and Section 1090 *et seq.* CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. CONSULTANT represents that it has no knowledge of any financial interests which would require it to disqualify itself from any matter on which it might perform services for the CITY.

- 9.2. If, in performing the PROFESSIONAL SERVICES set forth in this AGREEMENT, the CONSULTANT makes, or participates in, a “governmental decision” as described in Title 2, Section 18700.3(a) of the California Code of Regulations, or performs the same or substantially all the same duties for the CITY that would otherwise be performed by a CITY employee holding a position specified in the department’s conflict of interest code, the CONSULTANT shall be subject to a conflict of interest code requiring the completion of one or more statements of economic interests disclosing the CONSULTANT’s relevant financial interests.
- 9.3. If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act. Specifically, the CONSULTANT shall file a Fair Political Practices Commission Form 700 (Assuming Office Statement) within thirty (30) calendar days of the CITY’s determination that the CONSULTANT is subject to a conflict of interest code. The CONSULTANT shall also file a Form 700 (Annual Statement) on or before April 1 of each year of the AGREEMENT, disclosing any financial interests held during the previous calendar year for which the CONSULTANT was subject to a conflict of interest code.
- 9.4. CITY represents that pursuant to California Government Code Section 1090 *et seq.*, none of its elected officials, officers, or employees has an interest in this AGREEMENT.

10. DISPOSITION AND OWNERSHIP OF DOCUMENTS.

- 10.1. All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this AGREEMENT, whether paper or electronic, shall become the property of CITY for use with respect to this PROJECT, and shall be turned over to the CITY upon completion of the PROJECT or any phase thereof, as contemplated by this AGREEMENT.
- 10.2. Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY and CONSULTANT thereby expressly waives and disclaims, any copyright in, and the right to reproduce, all written material, drawings, plans, specifications or other work prepared under this AGREEMENT, except upon the CITY’s prior authorization regarding reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

11. INSURANCE

- 11.1. CONSULTANT shall procure and maintain for the duration of the AGREEMENT insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, their agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A.M. Best’s rating of no less than “A” and “VII” unless otherwise approved in writing by the CITY’s Risk Manager.
- 11.2. CONSULTANT’s liabilities, including but not limited to CONSULTANT’s indemnity obligations, under this AGREEMENT, shall not be deemed limited in any way to the insurance coverage required herein. All policies of insurance required hereunder must provide that the CITY is entitled to thirty (30) days prior written notice of cancellation or non-renewal of the policy or policies, or ten (10) days prior written notice for cancellation due to non-payment of premium. Maintenance of specified insurance coverage is a material element of this AGREEMENT.
- 11.3. **Types and Amounts Required.** CONSULTANT shall maintain, at minimum, the following insurance coverage for the duration of this AGREEMENT:

- 11.3.1.** **Commercial General Liability (CGL).** If checked the CONSULTANT shall maintain CGL Insurance written on an ISO Occurrence form or equivalent providing coverage at least as broad as CG 00 01 which shall cover liability arising from any and all personal injury or property damage, including ongoing and completed operations, in the amount no less than \$2,000,000.00 per occurrence and subject to an annual aggregate of \$4,000,000.00. If limits apply separately to this project (CG 25 03 or 25 04) the general aggregate limit shall not apply. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs shall be outside the limits of the policy. If the CONSULTANT or subcontractor maintains higher limits than the limits shown above, the CITY shall be entitled to coverage for the higher limits maintained by the CONSULTANT and their subcontractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY. Any excess or umbrella policies being used to meet the required limits of insurance will be evaluated separately and must meet the same qualifications as the CONSULTANT's primary policy.
- 11.3.2.** **Commercial Automobile Liability.** If checked the CONSULTANT shall maintain Commercial Automobile Liability Insurance for all of the CONSULTANT's automobiles including owned, hired and non-owned automobiles, automobile insurance written on an ISO form CA 00 01 12 90 or a later version of this form or an equivalent form providing coverage at least as broad for bodily injury and property damage for a combined single limit no less than \$1,000,000.00 per occurrence. Insurance certificate shall reflect coverage for any automobile (any auto).
- 11.3.3.** **Workers' Compensation.** If checked the CONSULTANT shall maintain Worker's Compensation insurance for all of the CONSULTANT's employees who are subject to this AGREEMENT and to the extent required by applicable state or federal law, a Workers' Compensation policy providing at minimum \$1,000,000.00 employers' liability coverage. The CONSULTANT shall provide an endorsement that the insurer waives the right of subrogation against the CITY and its respective elected officials, officers, employees, agents and representatives.
- 11.3.4.** **Professional Liability.** If checked the CONSULTANT shall also maintain Professional Liability (errors and omissions) coverage with a limit no less than \$1,000,000 per claim and \$2,000,000 annual aggregate. The CONSULTANT shall ensure both that (1) the policy retroactive date is on or before the date of commencement of the Scope of Services; and (2) the policy will be maintained in force for a period of three years after substantial completion of the Scope of Services or termination of this AGREEMENT whichever occurs last. The CONSULTANT agrees that for the time period defined above, there will be no changes or endorsements to the policy that increase the CITY's exposure to loss. All defense costs shall be outside the limits of the policy. If CONSULTANT maintains higher limits than the limits shown above, the CITY shall be entitled to coverage for the higher limits maintained by the CONSULTANT. Any available proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.
- 11.4. Self-Insured Retentions.** Any self-insured retentions are the responsibility of the CONSULTANT and must be declared to and approved by the CITY. At the option of the CITY, either (1) the insurer shall reduce or eliminate such self-insured retentions as respects the CITY, its officers, officials, employees and volunteers, or (2) the CONSULTANT shall provide a financial guarantee satisfactory to the CITY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.
- 11.5. Additional Required Provisions.** The commercial general liability, including any excess or umbrella policies being used to meet the required limits of insurance, and automobile liability policies shall contain, or be endorsed to contain, the following provisions:

- 11.5.1.** The CITY, its officers, officials, employees, and representatives shall be named as additional insureds with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts, or equipment furnished in connection with such work or operations. The CITY's additional insured status must be reflected on additional insured endorsement form (20 10 1185 or 20 10 1001 and 20 37 1001) which shall be submitted to the CITY.
- 11.5.2.** The policies are primary and non-contributory to any insurance that may be carried by the CITY, as reflected in an endorsement at least as broad as CG 20 01 04 13 which shall be submitted to the CITY. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or representatives shall be excess of the CONSULTANT's insurance and shall not contribute with it.
- 11.6. Verification of Coverage.** CONSULTANT shall furnish the CITY with original certificates and amendatory endorsements effecting coverage required by this Section 11, as well as a complete, certified copy of any general liability policy being used to meet the required limits of insurance, which shall include the declaration pages, a schedule of forms listing all policy endorsements, and all policy forms. The endorsements should be on forms approved by the CITY or on other than the CITY's forms provided those endorsements conform to CITY requirements. All certificates and endorsements are to be received and approved by the CITY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.
- 11.7. Special Risks or Circumstances.** CITY reserves the right to modify these requirements, including limits, based on the nature of risk, prior experience, insurer, coverage, or other special circumstances.

12. INDEMNIFICATION.

CONSULTANT agrees to indemnify, defend (with counsel acceptable to CITY), and hold harmless the CITY, and its officers, officials, agents and employees from any and all claims, demands, costs or liabilities that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, its employees, agents, and subcontractors in the performance of or failure to perform services or obligations under this AGREEMENT. CONSULTANT's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the CITY or its elected officials, officers, agents, and employees. CONSULTANT's indemnification obligations shall not be limited by the insurance provisions of this AGREEMENT. The PARTIES expressly agree that any payment, attorney's fees, costs or expense CITY incurs or makes to or on behalf of an injured employee under the CITY's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this AGREEMENT.

13. SUBCONTRACTORS.

- 13.1.** The CONSULTANT's hiring or retaining of third parties (i.e. subcontractors) to perform services related to the PROJECT is subject to prior written approval by the CITY.
- 13.2.** All contracts entered into between the CONSULTANT and its subcontractor shall also provide that each subcontractor shall obtain insurance policies which shall be kept in full force and effect during any and all work on this PROJECT and for the duration of this AGREEMENT. The CONSULTANT shall require the subcontractor to obtain, all policies described in Section 11 in the amounts required by the CITY, which shall not be greater than the amounts required of the CONSULTANT.

13.3. In any dispute between the CONSULTANT and its subcontractor, the CITY shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The CONSULTANT agrees to defend and indemnify the CITY as described in Section 12 of this AGREEMENT should the CITY be made a party to any judicial or administrative proceeding to resolve any such dispute.

14. NON-DISCRIMINATION.

CONSULTANT shall not discriminate against any employee or applicant for employment because of sex, race, color, age, religion, ancestry, national origin, military or veteran status, disability, medical condition, genetic information, gender expression, marital status, or sexual orientation. CONSULTANT shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their sex, race, color, age, religion, ancestry, national origin, military or veteran status, disability, medical condition, genetic information, gender expression, marital status, or sexual orientation and shall make reasonable accommodation to qualified individuals with disabilities or medical conditions. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

15. NOTICES.

All communications to either party by the other party shall be delivered to the persons listed below. Any such written communications by mail shall be conclusively deemed to have been received by the addressee five (5) calendar days after the deposit thereof in the United States mail, postage prepaid and properly addressed as noted below.

Dan King, Assistant City Manager
City of Solana Beach
635 S. Highway 101
Solana Beach, CA 92075

Demitra Farwell, Administrative Services Director
All City Management Services, Inc.
10440 Pioneer Blvd, Suite 5
Santa Fe Springs, CA 90670

16. ASSIGNABILITY.

This AGREEMENT and any portion thereof shall not be assigned or transferred, nor shall any of the CONSULTANT's duties be delegated or sub-contracted, without the express written consent of the CITY.

17. RESPONSIBILITY FOR EQUIPMENT.

CITY shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by CONSULTANT or any of CONSULTANT's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to CONSULTANT by CITY. The acceptance or use of any such equipment by CONSULTANT, CONSULTANT's employees, or subcontractors shall be construed to mean that CONSULTANT accepts full responsibility for and agrees to exonerate, defend, indemnify and hold harmless CITY from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

18. CALIFORNIA LAW; VENUE.

This AGREEMENT shall be construed and interpreted according to the laws of the State of California. Any action brought to enforce or interpret any portion of this AGREEMENT shall be brought in the county of San Diego, California. CONSULTANT hereby waives any and all rights it might have pursuant to California Code of Civil Procedure Section 394.

19. COMPLIANCE WITH LAWS.

The Consultant shall comply with all laws, ordinances, regulations, and policies of the federal, state, and local governments applicable to this AGREEMENT whether now in force or subsequently enacted. This includes maintaining a City of Solana Beach Business Certificate.

20. ENTIRE AGREEMENT.

This AGREEMENT sets forth the entire understanding of the PARTIES with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein. No change, alteration, or modification of the terms or conditions of this AGREEMENT, and no verbal understanding of the PARTIES, their officers, agents, or employees shall be valid unless agreed to in writing by both PARTIES.

21. NO WAIVER.

No failure of either the City or the Consultant to insist upon the strict performance by the other of any covenant, term or condition of this AGREEMENT, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this AGREEMENT shall constitute a waiver of any such breach of such covenant, term or condition.

22. SEVERABILITY.

The unenforceability, invalidity, or illegality of any provision of this AGREEMENT shall not render any other provision unenforceable, invalid, or illegal.

23. DRAFTING AMBIGUITIES.

The PARTIES agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this AGREEMENT, and the decision of whether or not to seek advice of counsel with respect to this AGREEMENT is a decision which is the sole responsibility of each Party. This AGREEMENT shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the AGREEMENT.

24. CONFLICTS BETWEEN TERMS.

If an apparent conflict or inconsistency exists between the main body of this AGREEMENT and the Exhibits, the main body of this AGREEMENT shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this AGREEMENT, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this AGREEMENT, the Exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this AGREEMENT.

25. EXHIBITS INCORPORATED.

All Exhibits referenced in this AGREEMENT are incorporated into the AGREEMENT by this reference.

26. SIGNING AUTHORITY.

- 26.1.** The representative for each Party signing on behalf of a corporation, partnership, joint venture, association, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, association, or entity and agrees to hold the other Party or PARTIES hereto harmless if it is later determined that such authority does not exist.

26.2. If checked, a proper notary acknowledgement of execution by CONSULTANT must be attached.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT the day and year first hereinabove written.

CITY OF SOLANA BEACH, a municipal corporation

All City Management Services, a California Corporation

By:

By:

City Manager, Gregory Wade

Signature

Print Name and Title

ATTEST:

City Clerk, Angela Ivey, CMC

APPROVED AS TO CONTENT:

Dan King, Assistant City Manager

APPROVED AS TO FORM:

City Attorney, Johanna N. Canlas

EXHIBIT "A"
SCOPE OF SERVICES AND FEE

Billing Rate for 2020/2021: \$23.95

KEY:

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

For sites with one regularly scheduled early release day/week, use 144 regular days and 36 minimum days

Sites with traditional calendar:

	32	180		=	\$137,952.00
8 Sites at 4.0 hrs per day	Total Hrs/day	X days/yr	X	Hourly Billing Rate	

TOTAL PROJECTED HOURS 5760 TOTAL ANNUAL PROJECTED COST \$137,952.00





STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: Engineering Department
SUBJECT: **Project Update to the City Council on the Lomas Santa Fe Corridor Improvement Project – Phase III**

BACKGROUND:

The Lomas Santa Fe Corridor Improvement Project (the “Project”) has been in the City’s Work Plan for the last few years. Phase I and Phase II of the Project were performed during Fiscal Year (FY) 2016/17 and 2017/2018, respectively. Early phases of the project included a Community Walk Audit, identification of infrastructure deficiencies, preparation of a feasibility analysis, development of design options, several community workshops and two City Council meetings.

After receiving project updates and public input during Phases I and II, the City Council ultimately directed Staff to move forward with Phase III which included preparation of final design plans of the project with the specific direction that no roundabouts be studied and that four lanes (two lanes in each direction) be maintained throughout the corridor.

At the February 19, 2019 City Council meeting, Council authorized the City Manager to enter into a Professional Service Agreement (PSA) with Michael Baker International (MBI) for preparation of final engineering plans, specifications and cost estimate for the Project. Since that time, an Open House was held in May 2019 and a Community Workshop was held in October 2019. The results of the community workshop was shared with the City Council on January 22, 2020.

This item is before the City Council to receive an update on the Lomas Santa Fe Corridor Improvement Project and provide comments and direction.

DISCUSSION:

COUNCIL ACTION:

During the City Council meeting held on January 22, 2020, Council provided a series of specific directions to the design team that included:

- Increase safety
- Decrease vehicle emissions
- Encourage bicycle ridership
- Maintain four narrow lanes to calm traffic
- Maintain a multiuse trail along the north side of Lomas Santa Fe Drive (LSF) on the east side of Interstate 5 (I-5)
- Consider extending the multiuse trail along north side of LSF west of Interstate 5 to the extent feasible
- Improve signage
- Do not eliminate existing parking

In response to Council's direction to extend the multiuse trail west of I-5 along the north side of LSF, Staff and MBI evaluated this option by performing accurate field surveys and in-house design analyses. During this process, the direction provided by Council as listed above was respected.

Per Caltrans design guidance, it was determined that the minimum width required for a true multiuse path would be 15.5 feet beyond the face of curb. This would consist of a 3-foot landscaped buffer area, a 10-foot paved walkway/bikeway and another 2.5-foot landscaped buffer area. Pathways less than 15.5 feet would simply be considered a wider sidewalk and would constitute a true multiuse path.

With this 15.5-foot dimension, the design team analyzed each block west of the freeway to determine where and how the multiuse path could be constructed without improvements occurring north of the existing back edge of the sidewalk and where constructing the path would require relocating, widening, or adjusting the existing improvements north of the sidewalk. At locations where improvements were needed north of the existing sidewalk to allow for the multiuse path, the design team identified impacts to the existing public right-of-way as well as physical site constraints.

Utilizing the 15.5-foot dimension together with the survey and mapping data, the design team concluded that the proposed multiuse path could be constructed on the following blocks of LSF, without the need for additional right-of-way or major reconstruction of existing improvements north of the existing sidewalk:

- Cedros Avenue to Rios Avenue
- Rios Avenue to Granados Avenue
- El Viento/Nardo Avenue to Hilmen Drive
- Hilmen Drive to Glencrest Drive

The remaining blocks of LSF were determined to require widening and/or reconstruction to existing improvements north of the existing sidewalk in order to construct the

proposed multiuse path. The following impacts have been identified for each of these blocks:

Highway 101 to Cedros Avenue:

Construction of a multiuse trail north of the existing sidewalk requires widening of the existing bridge crossing over the North County Transit District (NCTD) railroad tracks. The section between the NCTD bridge and Cedros Avenue would also require additional right of way from NCTD.

Granados Avenue to El Viento/Nardo Avenue:

Construction of a multiuse trail north of the existing sidewalk in this section does not impact the existing public right-of-way, however, it does impact existing site improvements along this segment. Two retaining walls would be required to be removed and replaced further north of their existing locations. Additionally, four residential driveways would have to be removed and reconstructed at a much steeper grade. The approximate construction cost to implement the full multiuse path beyond the back of existing sidewalk in this section is approximately \$400,000. The design costs are estimated at 25% of the construction cost to account for geotechnical work, wall design, construction details and additional drainage analysis. If it is directed to implement this design, Staff will need to immediately contact and work closely with the adjacent property owners to determine the most suitable design for this segment. The additional design cost is not included in the current design contract. The alternate option for this section is a 10-foot wide sidewalk with no major impacts to the adjacent properties or frontage improvements.

Glencrest Drive to Solana Hills Drive:

Widening north of the existing back of sidewalk for this segment would require improvements outside the public right-of-way. In addition to impacts to the public right-of-way, impacts to existing site improvements include the removal/replacement of the retaining wall on the northwest corner of LSF and Glencrest Drive, removal/replacement of three school driveways and the removal/replacement of 12 tree grates fronting the school. The approximate construction cost to implement the full multiuse path north of the existing sidewalk in this section is an additional \$450,000, not including the associated right-of-way acquisition costs. The design costs are assumed to be 25% of the construction cost to account for geotechnical work, wall design, construction details and additional drainage analysis.

Another alternative for this segment is to remove and reconstruct the existing raised median (recently installed with the Skyline School project). The southerly curb line along LSF would also need to be shifted approximately 2-feet to the south immediately east of Stevens Avenue for approximately 300 feet in order to provide the required space for the four through lanes, dual westbound LSF to southbound Stevens left turn lanes, bike

lanes, and raised median. This alternative would avoid impacts to the retaining wall, school driveways, and the sidewalk improvements on the north side of LSF. The approximate construction cost to implement the full multiuse path for this alternative is an additional \$300,000. The design costs are assumed to be 25% of the construction cost to account for geotechnical work, wall design, construction details and additional drainage analysis.

If it is directed to implement any of the two design options for this segment, Staff will need to immediately contact and work closely with the adjacent property owners and Solana Beach School District to determine the most suitable design for this segment. The additional design cost is not included in the current design contract. The alternate option for this section working with the existing improvements and the current design proposal would accommodate an 11.5-foot wide sidewalk with no major impacts to the adjacent properties.

Project Status:

The Project is the recipient of a SANDAG Active Transportation Planning Grant in the amount of \$616,050. Pursuant to the Grant Agreement, this Phase of the Project was originally expected to be completed in July 2020. Due to the COVID-19 pandemic, SANDAG extended the due date for Grant recipients to April 2021. Staff believes with direction from the City Council, Staff can complete this Phase of the Project on time. Completion of the project by April 2021 as identified in the amendment to the Grant Agreement is subject to change if right-of-way acquisition is required or if major design changes are made.

Please note that Staff is also making application for Cycle Five of Active Transportation Grant funding offered by Caltrans. This grant application is due in mid-September and Staff, with assistance from the Consultant team, is preparing the application for the construction phase of the Project. In an effort to increase our chances for this highly competitive and statewide process, Staff is recommending that the City include a minimum of 5% of matching funds in the application which Staff currently estimates to be approximately \$600,000. If we are successful in this grant application, the matching funds could be provided by a combination of TransNet funds, Gas Tax, the City's Transportation Impact Fee (TIF) funds, the General Fund as directed by the City Council.

CEQA COMPLIANCE STATEMENT:

Once the design components are finalized, the project will be evaluated for the appropriate level of environmental review. Environmental Review is included in the current SANDAG grant fund allocation.

FISCAL IMPACT:

Full funding for Phase III (final design) of the Project was identified as part of Resolution 2019-011, which was adopted on February 13, 2019. The funding sources for Phase III include a SANDAG Active Transportation Planning Grant in the amount of \$616,050 and City matching funds in the amount of \$68,450, which will be taken from the City's TransNet funds that were appropriated in the Fiscal Year 2020/21 Adopted Budget. The total amount of Phase III of the Project is \$684,500 and is already programmed in the Regional Transportation Improvement Program through SANDAG and the City's Capital Improvement Program section of the Fiscal Year 2019-20 and 2020-21 Adopted Budget.

If it is directed to implement any of the design options for implementation of the multiuse trail in the three segments as identified above, additional funding of approximately \$220,000 (excluding the NCTD bridge design) would be needed to complete the Phase III design. The funding source for this design work has not yet been identified.

WORK PLAN:

This project is consistent with Item B.6 of the Community Character Priorities of the FY 2020/21 Work Plan.

OPTIONS:

- Receive report.
- Provide additional direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive this report and provide input and direction on the Lomas Santa Fe Corridor Improvement Project.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: City Clerk's Office
SUBJECT: **Climate Action Commission – Appointment and Discuss Youth Member**

BACKGROUND:

Pursuant to California Government Code section 54974(a), when an unexpected vacancy occurs on a Council Appointed Citizen Commission, a Notice of Vacancy is required to be posted no earlier than 20 days prior to the resignation and no later than 20 days after the vacancy occurs.

Rachel McHale resigned from the Climate Action Commission (CAC) on July 31, 2020, leaving a resident position vacant. The appointment to fill the vacancy is by the City Council. The vacancy is for a term ending January 2021, when this position will expire and be open for appointment or re-appointment. In addition, at the August 26, 2020 City Council meeting, Council directed Staff to research the potential to add a youth representative to the CAC and giving the youth member voting privileges.

This item is before Council to review three applications received for the Climate Action Commission as well as review and give direction to Staff on guidelines on a potential new youth voting member.

DISCUSSION:

Appointments to City Commissions and Committees are conducted in accordance with Solana Beach Municipal Code Chapter 2.60, City Council Resolution 2015-127 (11-4-15), and Council Policy No. 5 - *Appointment of Private Citizens to Committees, Boards, Task Forces* (Attachment 1). Per Solana Beach Resolution 2015-127, Commission membership includes nine members (five residents, two residents from environmental/scientific community, and two Councilmembers (currently Deputy Mayor Hegenauer and Councilmember Kristi Becker)). The vacancy to be filled is a resident position. Members of the Climate Action Commission shall be appointed by the Council at large. Therefore, the nomination may be made by any Councilmember and a majority vote of the City Council is required for appointment.

CITY COUNCIL ACTION:

AGENDA ITEM C.3.

Noticing

On August 4, 2020, the City Clerk posted a Notice of Vacancy for the Climate Action Commission in an effort to refill the position and bring the Commission to full membership as quickly as possible with a deadline of August 17, 2020. Since no applications were received, the deadline to receive applications was extended to September 1, 2020, and a Notice of Vacancy Extension was posted on August 18, 2020. (Attachment 2).

Recruitment notices were posted on the City's Official bulletin board, the City's website, and e-blast notices sent.

Applicant Submittals

As of the preparation of this report, and by the September 1st 5:30 p.m. deadline, three applications were received for the Climate Action Commission (Attachment 3). If applications are received after the deadline, they will be not be forwarded to Council for consideration, as Council determined in January 2019 to no longer consider late applications.

Applications

An applicant status list (Attachment 4) is provided with this report. Applications were not posted online, but were submitted to Council for review and are available for public access by contacting the City Clerk's Office.

Appointment at Mid or Late Term

If an appointment is made to a vacancy with a nearing term, the applicant will be made aware that when the term expires, they can re-apply utilizing the re-submittal short application form, making this process less cumbersome.

Youth Commission Member

As discussed previously in this report, Council gave direction to Staff to return to Council to discuss the potential addition of a new youth member on the CAC with full voting privileges. The addition of a voting youth member would create 10 members and 10 votes, an even number, which is generally not advised for commissions. However, as a reminder, the CAC is an advisory commission to the Council, so in the unlikely event that there is a 5-5 vote, this could simply be considered a "no recommendation" vote and the Council, as always, could then take action as they see fit. Other alternatives in the event of a tie could be to discount the youth vote, grant the deciding vote to CAC's Council representatives if both have voted similarly or cast lots.

Other requirements to consider is the application of a minimum age and whether the youth must live in Solana Beach. The Parks and Recreation Commission allows for youth commissioners and there is no minimum age established, however, the youth must live in Solana Beach. The Parks and Recreation youth commissioners do not get a vote. If the

CAC youth commissioner is given voting rights, then it may be prudent to require them to be of high school age and a resident of Solana Beach.

CEQA COMPLIANCE STATEMENT: Not a project as defined by CEQA.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Make an appointment to the Climate Action Commission.
- Provide alternative direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the application(s) submitted and make an appointment to the vacancy on the Climate Action Commission with a term until January 2021.
2. Consider the addition of a youth CAC member with full voting privileges and, if approved, give direction on the eligibility requirements for the new youth member.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gregory Wade, City Manager

Attachments:

1. Council Policy No. 5
2. Vacancy Notice Climate Action Commission and Vacancy Notice Extension
3. List of Applicants
4. Applications

CITY OF SOLANA BEACH	Policy No. 5
COUNCIL POLICY	Adopted: May 15, 1989 Revised: January 23, 2008 by Resolution 2008-23
GENERAL SUBJECT: Citizen Boards, Commissions & Committees	
SPECIFIC SUBJECT: Appointments of Citizens to Boards, Commissions, Committees and Task Forces.	

PURPOSE:

The purpose of this policy is to establish a consistent process and procedure for appointments to City sponsored Citizen Boards, Commissions, Committees and Task Forces.

POLICY STATEMENT:

Appointments to Citizen Boards, Commissions, Committees and Task Forces are made in accordance with the municipal code and/or specific guideline, as provided, to provide consistency.

POLICY PROCEDURES:

1. All private citizens interested in serving on any Board, Commission, Committee or Task Force or similar group must complete and file with the City Clerk a Citizen Interest Form (application) which may be obtained from the City Clerk's office.
2. Nominations
Councilmembers may nominate private citizens for appointment subject to ratification by a majority of the City Council. Such ratification shall take place at a regular City Council meeting and a duly docketed agenda item.
3. Appointment Protocol
 - a. Appointments will be made in accordance with municipal code requirements. For example, the municipal code may require that a Commission have five positions appointed by individual Councilmembers.
 - b. Appointments that are not outlined in the municipal code and are at-large appointment positions may be nominated by any Councilmember. In the event of multiple appointments, appointments may be divided among individual Councilmembers to share the appointment responsibilities. If the appointments are

shared, it will be for that one time and will not be construed as official individual appointments that would carry forward.

- c. The decision to proceed with an individual appointment alternative for at-large positions will be subject to majority vote of the City Council with such vote taking place at a regular City Council Meeting.

4. Appointments to Outside Agencies

When the City is asked by an outside agency to recommend a private citizen to serve on a Board, Commission, Committee or Task Force or similar group, such recommendation shall be made by the Council and approved by a majority vote of the City Council.



PUBLIC NOTICE City of Solana Beach CITIZEN COMMISSION POSITION VACANCY

CITY OF SOLANA BEACH VOLUNTEERS SERVING ON BEHALF OF THE CITY COUNCIL

Applications are currently being accepted through Monday, August 17, 2020, 5:30 p.m.

CLIMATE ACTION COMMISSION

ONE Citizen/Resident Position Vacancy
term will expire January 2021

At the expiration of this term, the appointed member may submit the short form resubmittal application, for consideration by Council to be re-appointed.



Regular Meetings: 3rd Wednesday of each month at 5:30 p.m.

Position Requirement: **This vacancy must be filled with a Citizen/Resident at least 18 years old and a city resident within the City of Solana Beach.**

Current Composition:

- 5 Members - Citizen / Resident: Must be at least 18 years old and a city resident within the City of Solana Beach.
- 2 Members - Scientific/Environmental Community Professionals Must be from the environmental or scientific community. Resident or Non-resident.
- 2 Councilmembers

Staff Liaison: Rimga Viskanta 858-720-2467

The Climate Action Commission participates in reviewing certain matters regarding reducing the City's greenhouse gas (GHG) emissions and implementing the Climate Action Plan.

Under Council's direction, the Climate Action Commission will focus on specific issues surrounding the implementation of a Climate Action Plan including updating the City's Greenhouse Gas Emissions Inventory, setting reduction targets, implementing mitigation measures and performing periodic monitoring, verification and evaluations.

- ❖ *Attend a Citizen Commission public meeting.* It is recommended that new applicants attend a Commission meeting prior to being considered for an appointment. *Agendas are posted on the City's website. See the City's website for members, expiring positions, and further information.*

[Citizen Interest Forms](#) (Applications) and additional information on the Commissions can be found on the City's website at www.cityofsolanabeach.org (Left tabs: City Government, City Clerk, Citizen Committees) OR at City Hall, 635 S. Highway 101, Solana Beach, (858) 720-2400. Please contact the City Clerk with any questions regarding the recruitment/appointment process.

8-4-20 Angela Ivey, City Clerk

ATTACHMENT 2



PUBLIC NOTICE City of Solana Beach CITIZEN COMMISSION POSITION VACANCY

CITY OF SOLANA BEACH VOLUNTEERS SERVING ON BEHALF OF THE CITY COUNCIL

Applications are currently being accepted through Tuesday, September 1, 2020, 5:30 p.m.

CLIMATE ACTION COMMISSION

ONE Citizen/Resident Position Vacancy
term will expire January 2021

At the expiration of this term, the appointed member may submit the short form resubmittal application, for consideration by Council to be re-appointed.



Regular Meetings: 3rd Wednesday of each month at 5:30 p.m.

Position Requirement: **This vacancy must be filled with a Citizen/Resident at least 18 years old and a city resident within the City of Solana Beach.**

Nine members total: 7 appointed by Council At-Large, 2 Councilmembers
- 5 Members - Citizen / Resident: Must be at least 18 years old and a city resident within the City of Solana Beach.

Current Composition:
- 2 Members - Scientific/Environmental Community Professionals Must be from the environmental or scientific community. Resident or Non-resident.
- 2 Councilmembers

Staff Liaison: Rimga Viskanta 858-720-2467

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**City of Solana Beach
Citizen Commission Member
Appointment by City Council**

List of Applicants

Applicant	Application Received
Ben Gollin	8-31-20
Meredith Hanrahan	9-1-20
Shawna McGarry	8-28-20

APPLICATIONS

***This Attachment is not posted online
but is available by contacting the
City Clerk's Office.***



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 9, 2020
ORIGINATING DEPT: Engineering/Public Works Department
SUBJECT: **Introduce (1st Reading) Ordinance No. 514 -- Amending Section 11.20.220 of the Solana Beach Municipal Code and Adopt Resolution 2020-125 Directing the City Manager to Adopt and Implement an Administrative Policy Regarding the Installation of Wireline Communication Facilities in the Public Right-of-Way**

BACKGROUND:

Communication providers, which include without limitation telephone corporations, cable providers and video service providers, seeking to expand their networks often approach the City to deploy wireline facilities in the public right-of-way. Such deployments often involve trenches or other excavations within City streets, attaching aerial lines to existing vertical infrastructure, and/or equipment cabinets placed on or below grade within the public right-of-way.

Both federal and state law limit, to a certain extent, local government regulation of access to the public right-of-way by communication providers. Section 253 of the federal Telecommunications Act of 1996 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis.

California state law contains similar regulations. Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way. Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way

CITY COUNCIL ACTION: <hr/> <hr/> <hr/>

AGENDA ITEM C.4.

and deploy their facilities.

Recently, the California Supreme Court in *T-Mobile West LLC v. City and County of San Francisco*, 438 P.3d 239 (Cal. 2019), held that Sections 7901 and 7901.1 do not completely divest local governments of their police powers and only prohibit local franchises as a precondition for access to the public right-of-way by telephone corporations.

Franchises obtained by cable providers and video service providers are regulated under California law in a different manner than the statewide franchise granted to telephone corporations under Section 7901, but cable providers' and video service providers' limited rights to use the public right-of-way are treated in a similar manner. The California Digital Infrastructure and Video Competition Act (DIVCA) of 2006 (California Public Utilities Code §§ 5800 *et seq.*) establishes the California Public Utilities Commission as the sole franchising authority in the state for franchises to provide video services and authorizes state franchisees "to install, construct, and maintain a network within public rights-of-way under the same time, place, and manner as the provisions governing telephone corporations under applicable state and federal law, including, but not limited to, the provisions of Section 7901.1."

Section 11.20.220 of the Solana Beach Municipal Code ("SBMC") requires that every encroachment permit contain an agreement, signed by the applicant. On May 22, 2019, the City Council adopted Resolution 2019-077, which approved a Master Encroachment Maintenance and Removal Agreement ("EMRA") template that addressed certain long-term and continuing obligations by telecommunications providers in the City's public right-of-way and has been a means to accomplish nondiscriminatory reasonable time, place and manner management of the City's extremely limited space in the public right-of-way.

Since the City Council approved the EMRA, continued changes in applicable laws, evolving technologies and deployment techniques, growing demand for communication services and increased requests by communication providers for access to the public right-of-way have underscored the need for a more flexible and responsive regulatory structure to manage the public right-of-way and protect the public health, safety and welfare.

The actions before the City Council are the introduction of Ordinance 514 to amend SBMC Section 11.20.220 and to adopt Resolution 2020-125 directing the City Manager to adopt and implement an administrative policy regarding the installation of wireline communication facilities in the public right-of-way.

DISCUSSION:

Ordinance No. 514 (Attachment 1) proposes to amend SBMC Section 11.20.220 to modify the requirement for a signed agreement (such as the EMRA) and provide another means to accomplish the intent of the section. The requirement to restore the public right-of-way upon completion of work or expiration or revocation of the permit may be fulfilled by either including a condition in conjunction with issuance of the encroachment permit,

or by a separate written instrument. If the agreement is included as a condition of the permit, the applicant's or its agent's signature on the permit application and/or acceptance of the permit are deemed to be assent to the condition.

Similarly, Resolution 2020-125 (Attachment 2) directs the City Manager, or the City Manager's designee, to adopt and implement an administrative policy regarding wireline encroachments substantially in the form attached to Resolution 2020-125. This administrative policy will be applicable to all communications providers in the City's public right-of-way. The administrative policy will contain the same or substantially similar protections that the EMRA did for the City and its residents, businesses and visitors. The City Manager, or the City Manager's designee, would be authorized to make necessary or appropriate changes to the administrative policy, with such changes made in consultation with the City Attorney and reported back to the City Council as an informational item. The administrative policy will therefore enable the City to react more quickly to changed circumstances while also facilitating rapid deployment of advanced communication services in a fair and balanced legal and regulatory environment.

In considering Ordinance No. 514 and Resolution 2020-125, it is the City's objective to regulate, on a nondiscriminatory basis, the time, place and manner in which all communications providers deploy their facilities in the public right-of-way while also protecting the health, safety and welfare of the City and its residents, businesses and visitors.

CEQA COMPLIANCE STATEMENT:

Pursuant to California Public Resources Code § 21065 and the California Environmental Quality Act ("CEQA") Guidelines § 15378, there is no possibility that this project will have a significant impact on the physical environment. Neither the Ordinance nor the Resolution directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireline communication infrastructure, and/or change to existing wireline telecommunication infrastructure, would be subject to additional environmental review, as necessary, on a case-by-case basis. Accordingly, the Ordinance and Resolution would be exempt from CEQA under the general rule.

FISCAL IMPACT:

There are no direct fiscal impacts from Ordinance No. 514 or Resolution 2020-125, as proposed.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendations.
- Approve Staff recommendations with alternative amendments / modifications.

- Do not approve Staff recommendations.
- Provide alternative direction to Staff.


DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Introduce Ordinance No. 514 amending Section 11.20.220 of the Solana Beach Municipal Code; and
2. Adopt Resolution 2020-125 authorizing the adoption and implementation of an administrative policy.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Ordinance No. 514
2. Resolution 2020-125

ORDINANCE 514

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING SECTION 11.20.220 REGARDING ENCROACHMENT PERMIT REQUIREMENTS FOR MAINTENANCE AND RESTORATION OF THE PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code § 37100 and other applicable law, the City Council of the City of Solana Beach, California, may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws;

WHEREAS, communication providers, which include without limitation telephone corporations, cable providers and video service providers, seeking to expand their networks often approach the City to deploy wireline facilities in the public right-of-way;

WHEREAS, such deployments often involve trenches or other excavations within City streets, attaching aerial lines to existing vertical infrastructure, and/or equipment cabinets placed on or below grade within the public right-of-way;

WHEREAS, Section 253 of the federal Telecommunications Act of 1996 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis;

WHEREAS, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way;

WHEREAS, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities;

WHEREAS, the California Supreme Court in *T-Mobile West LLC v. City and County of San Francisco*, 438 P.3d 239 (Cal. 2019), held that Sections 7901 and 7901.1 do not completely divest local governments of their police powers and only prohibit local franchises as a precondition for access to the public right-of-way by telephone corporations;

WHEREAS, the California Digital Infrastructure and Video Competition Act of 2006 (California Public Utilities Code §§ 5800 *et seq.*) establishes the California Public Utilities Commission as the sole franchising authority in the state for franchises to provide video services and authorizes state franchisees "to install, construct, and maintain a network

within public rights-of-way under the same time, place, and manner as the provisions governing telephone corporations under applicable state and federal law, including, but not limited to, the provisions of Section 7901.1”;

WHEREAS, Section 11.20.220 of the Solana Beach Municipal Code (“SBMC”) currently requires that every encroachment permit contain an agreement, signed by the applicant;

WHEREAS, on May 22, 2019, the City Council adopted Resolution 2019-077, which approved a Master Encroachment Maintenance and Removal Agreement (“EMRA”) that addressed certain long-term and continuing obligations by telecommunications providers in the City’s public right-of-way and has been a means to accomplish nondiscriminatory reasonable time, place and manner management of the City’s extremely limited space in the public right-of-way;

WHEREAS, since the City Council approved the EMRA, continued changes in applicable laws, evolving technologies and deployment techniques, growing demand for communication services and increased requests by communication providers for access to the public right-of-way have underscored the need for a more flexible and responsive regulatory structure to manage the public right-of-way and protect the public health, safety and welfare;

WHEREAS, permit conditions and an administrative policy regarding wireline encroachments applicable to all communications providers in the City’s public right-of-way with the same or substantially similar protections for the City and its residents, businesses and visitors as an EMRA will enable the City to react more quickly to changed circumstances while also facilitating rapid deployment of advanced communication services in a fair and balanced legal and regulatory environment; and

WHEREAS, it is the City’s objective to regulate, on a nondiscriminatory basis, the time, place and manner in which all communications providers deploy their facilities in the public right-of-way while also protecting the health, safety and welfare of the City and its residents, businesses and visitors.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, ordains as follows:

SECTION 1. FINDINGS

The City Council finds that:

- A. The facts set forth in the recitals are true and correct and incorporated herein by this reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

- B. This Ordinance is consistent with the General Plan, Solana Beach Municipal Code and applicable federal and state law.
- C. This Ordinance supports the public interest, health, safety, convenience and welfare.

SECTION 2. ENVIRONMENTAL REVIEW

Pursuant to California Public Resources Code § 21065 and the California Environmental Quality Act (“CEQA”) Guidelines § 15378, the City Council finds that there is no possibility that this Ordinance will have a significant impact on the physical environment. This Ordinance merely amends the Solana Beach Municipal Code regarding the manner in which encroachers promise to maintain and remove encroachments within the City’s public right-of-way. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireline communication infrastructure, and/or change to existing wireline telecommunication infrastructure, would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA under the general rule.

SECTION 3. AMENDMENT TO SBMC SECTION 11.20.220

Section 11.20.220 of the Solana Beach Municipal Code is hereby amended as follows (deletions in ~~strikeout~~ and additions in underline):

Every encroachment permit shall contain an agreement, either as a condition included in the issuance of the encroachment permit or as a separate written instrument signed by the applicant, that if the permit expires or is revoked, or upon completion of work, the permittee will, within a reasonable time and to the satisfaction of the city engineer, restore the highway to the equivalent or better condition than it was prior to the date that permit became effective or prior to the date the encroachment was first placed, whichever is earlier. If the agreement is included as a condition of the permit, the applicant’s or its agent’s signature on the permit application and acceptance of the permit shall be deemed to be assent to the condition.

SECTION 4. CONFLICTS WITH PRIOR ORDINANCES

If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date, the provisions in this Ordinance will control.

SECTION 5. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this Ordinance, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective 30 days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California, on September 9, 2020.

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on September 23, 2020, by the following vote:

- AYES: Councilmembers –
- NOES: Councilmembers –
- ABSTAIN: Councilmembers –
- ABSENT: Councilmembers –

JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

RESOLUTION 2020-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, DIRECTING THE CITY MANAGER TO ADOPT AND IMPLEMENT AN ADMINISTRATIVE POLICY REGARDING THE INSTALLATION OF WIRELINE COMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, communication providers, which include without limitation telephone corporations, cable providers and video service providers, seeking to expand their networks often approach the City to deploy wireline facilities in the public right-of-way; and

WHEREAS, such deployments often involve trenches or other excavations within City streets, attaching aerial lines to existing vertical infrastructure, and/or equipment cabinets placed on or below grade within the public right-of-way; and

WHEREAS, Section 253 of the federal Telecommunications Act of 1996 prohibits state and local requirements that prohibit or effectively prohibit any entity's ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis; and

WHEREAS, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public's use of the public right-of-way; and

WHEREAS, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities; and

WHEREAS, the California Supreme Court in *T-Mobile West LLC v. City and County of San Francisco*, 438 P.3d 239 (Cal. 2019), held that Sections 7901 and 7901.1 do not completely divest local governments of their police powers and only prohibit local franchises as a precondition for access to the public right-of-way by telephone corporations; and

WHEREAS, the California Digital Infrastructure and Video Competition Act of 2006 (California Public Utilities Code §§ 5800 *et seq.*) establishes the California Public Utilities Commission as the sole franchising authority in the state for franchises to provide video services and authorizes state franchisees "to install, construct, and maintain a network within public rights-of-way under the same time, place, and manner as the provisions governing telephone corporations under applicable state and federal law, including, but not limited to, the provisions of Section 7901.1"; and

WHEREAS, on May 22, 2019, the City Council adopted Resolution 2019-077, which approved a Master Encroachment Maintenance and Removal Agreement (“EMRA”) that addressed certain long-term and continuing obligations by telecommunications providers in the City’s public right-of-way and has been a means to accomplish nondiscriminatory reasonable time, place and manner management of the City’s extremely limited space in the public right-of-way; and

WHEREAS, since the approval of the EMRA by the City Council, continued changes in applicable laws, evolving technologies and deployment techniques, growing demand for communication services and increased requests by communication providers for access to the public right-of-way have underscored the need for a more flexible and responsive regulatory structure to manage the public right-of-way and protect the public health, safety and welfare; and

WHEREAS, an administrative policy regarding wireline encroachments (attached hereto as **Exhibit 1** and incorporated herein by this reference), applicable to all communications providers in the City’s public right-of-way with the same or substantially similar protections for the City and its residents, businesses and visitors, will enable the City to react more quickly to changed circumstances while also facilitating rapid deployment of advanced communication services in a fair and balanced legal and regulatory environment.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.
2. That the City Council directs the City Manager, or the City Manager’s designee, to adopt and implement an administrative policy regarding wireline encroachments substantially in the form attached as Exhibit 1 to this Resolution.
3. That the City Council further authorizes the City Manager, or the City Manager’s designee, to make any necessary or appropriate changes to the administrative policy regarding wireline encroachments as may be needed from time-to-time.
4. That any such changes to the administrative policy regarding wireline encroachments shall be made in consultation with the City Attorney and reported to the City Council as an informational item at the next practicable regular meeting of the City Council of the City of Solana Beach.
5. This Resolution supersedes Resolution 2019-077.

PASSED AND ADOPTED, this 9th day of September, 2020, at a regular meeting of the City Council of the City of Solana Beach, California, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

EXHIBIT A

CITY OF SOLANA BEACH ADMINISTRATIVE POLICY	POLICY No. [__ <i>TBD</i> __] Adopted: _____
Subject: ENCROACHMENT AND EXCAVATION POLICIES FOR WIRELINE COMMUNICATION FACILITIES	

BACKGROUND

Wireline communication services often require underground, surface-mounted and/or overhead facilities in the public rights-of-way. Recently, the City has received inquiries from both incumbent providers and new competitive entrants about significant new deployments.

These facilities provide important services to the City’s residents, businesses and visitors. At the same time, construction and excavation in the public rights-of-way degrades the streets, sidewalks and other facilities within the public rights-of-way and shortens their useful lifespan. In addition, space in the City’s public rights-of-way is extremely limited both for public purposes and for all types of non-municipal purposes, including wireline communication facilities. The facilities themselves may also detract from neighborhood character, obstruct pedestrian travel and interfere with other authorized uses in the public rights-of-way. Accordingly, the City has important interests in encouraging deployment and at the same time regulating placement, construction and excavation associated with these facilities.

On September 9, 2020, the City Council adopted Resolution 2020-125 which directed the City Manager, or the City Manager’s designee, to adopt and implement an administrative policy regarding wireline encroachments. The City Manager adopts these Encroachment and Excavation Policies for Wireline Communication Facilities (the “Policy”) and authorizes and designates the City Engineer / Engineering/Public Works Director, or the Director’s designee, to implement and administer this Policy. Further, Solana Beach Municipal Code (“SBMC”) Chapter 11.20, titled “Work and Encroachments in Streets, Public Right-of-Way and Other Public Areas,” provides the framework for the orderly administration of private work in the public rights-of-way and is intended to protect the public interest and safety. The City Engineer / Engineering/Public Works Director administers this chapter with delegated authority to adopt standards, specifications, conditions and procedures for construction in the City’s public rights-of-way. See SBMC §§ 11.20.020 *et seq.* This Policy is in addition to any such administrative regulations of the Director.

PURPOSE

This Policy is intended to provide additional clarity and guidance to applicants as to the procedures, standards and conditions on which the Director will issue permits for the installation, construction, excavation or other work performed in connection with wireline communication facilities located or proposed to be located within the public rights-of-way.

This Policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any entity's ability to provide any communications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (2) unreasonably discriminate among functionally equivalent services or service providers; (3) impose any unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; (4) otherwise authorize the City to preempt any applicable federal or California law; or (5) limit the exercise of the Director's discretion authorized under the Solana Beach Municipal Code and other applicable law.

DEFINITIONS

The abbreviations, phrases, terms and words used in this Policy will have the following meanings assigned to them unless context indicates otherwise. Undefined phrases, terms or words in this Policy will have their ordinary meanings.

- (a) “**collector road**” means a two-lane to four-lane undivided road with intersections at grade and partial access control. Collector roads can serve as a secondary type of highway to provide routes for locally-generated traffic to connect to the major arterial system network, but primarily serve as access routes for local residents to reach activity areas in the City. The term “collector road” as used in this Policy is generally defined in the Highway 101 Corridor Specific Plan, page 3-17 and such roads may be specifically named in the Solana Beach General Plan, Circulation Element, § II.D.
- (b) “**CPUC**” means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- (c) “**Director**” is designated by the City Manager to mean the City Engineer / Engineering/Public Works Director or his/her designee.
- (d) “**DIVCA**” means the Digital Infrastructure and Video Competition Act of 2006, California Public Utilities Code §§ 5800, *et seq.*
- (e) “**DIVCA certificate**” means an authorization issued by the California Public Utilities Commission pursuant California Public Utilities Code § 5840.
- (f) “**facility**” includes, without limitation, any and all cables, wires, lines, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults and other appurtenances or tangible things owned, leased, operated or licensed by a person or

entity, that are located or are proposed to be located in the public rights-of-way in connection with any wireline communications service.

- (g) “**historic resource**” means a historic landmark or district, listed or eligible to be listed on the National Register of Historic Places or California Register of Historical Resources, or any site or location identified as a “historic resource” in the Solana Beach General Plan, Conservation and Open Space Element, § 2.5.2.
- (h) “**local road**” means two-lane undivided roads with at-grade intersections and frequent driveway access. Local roads are intended to provide access to adjacent residential land uses and to feed traffic to collectors and other roads of higher classification. The term “local road” as used in this Policy is generally defined in the Highway 101 Corridor Specific Plan, page 3-17 and such roads may be specifically named in the Solana Beach General Plan, Circulation Element, § II.D.
- (i) “**major arterial**” means a four-lane arterial highway with access limitations, divided by a raised or striped median. Major arterials are a type of intercity or community facility, expected to carry the majority of traffic between Solana Beach, adjacent communities, and the freeway system. The term “major arterial” as used in this Policy is generally defined in the Highway 101 Corridor Specific Plan, page 3-17 and such roads may be specifically named in the Solana Beach General Plan, Circulation Element, § II.D.
- (j) “**permittee**” means the person granted a permit pursuant to this Policy.
- (k) “**public right-of-way**” or “**public rights-of-way**” means any right-of-way granted to City or to City on behalf of the public, for the construction, installation or maintenance of any highway, way, utility, or other appurtenant facility or improvement as defined in SBMC Section 11.20.010(J) or as such Section may be amended from time to time.
- (l) “**surface-mounted facility**” means any facility or physical element or structure associated with a facility that is installed, attached or affixed in the public rights-of-way on a site that is above the surface of the public rights-of-way (except on utility poles or associated overhead appurtenances) and that requires excavation to install the facility.
- (m) “**trenchless technology**” means any method, material, equipment, technique or combination thereof used to install, replace, renew or repair underground facilities and improvements with no or minimal surface disturbance. Trenchless technology includes, without limitation, drilling, auguring, boring and tunneling.
- (n) “**underground utility district**” means any area in the City within which overhead wires, cables, cabinets and associated overhead equipment, appurtenances and other improvements are either (1) prohibited by ordinance, resolution or other applicable law, including but not limited to the Solana Beach Municipal Code Chapter 11.32; (2) scheduled to be relocated underground within 18 months from the time an

application is submitted; or (3) primarily located underground at the time an application is submitted.

- (o) “**wireline communications service**” includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals by wire, cable, fiber-optic cables or other wireline conveyances to a point, or between or among points, whether or not such information is transmitted through interconnected service with the public switched network.

APPLICATION AND REVIEW PROCEDURES

- (a) **Application Requirements.** In addition to any other publicly stated requirements, all permit applications for installation, construction and/or excavation in connection with facilities encroaching within the City’s public rights-of-way must include the following information and materials to the extent applicable to the proposed project:

- (1) **Application Form.** The applicant shall submit a complete, duly executed permit application on the then-current form prepared by the City.

- (2) **Application Fee.** The applicant shall submit the applicable permit application fee adopted by City Council resolution.

- (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, lines, wires, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed lines, wires, cables and accessory equipment, which includes without limitation the manufacturer, model number, weight and physical dimensions; (ii) identify all the applicant’s potential surface mounted facilities and support structures within 15 feet from the proposed project site and call out such structures’ overall height above ground level; (iii) depict the applicant’s preliminary plan for electric or communications connections, which shall include the anticipated locations for all conduits, lines, wires, cables, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, fire codes, electric codes, local street standards and specifications, public utility regulations and orders, the Solana Beach Municipal Code, the requirements of the Director, and current construction standards regarding separation from existing and planned facilities.

- (4) **Site Survey.** Except as may be provided otherwise in this Policy, the applicant must submit a survey that identifies and depicts all existing boundaries,

encroachments and other structures within 15 feet from the proposed project site and any new improvements, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features. The survey must be prepared, signed and stamped by a California licensed or registered engineer when the proposed facilities involve ground disturbance within 2 feet from the edge of the public rights-of-way. A survey shall not be required for proposed project or portions thereof that only involve installing additional cables or wires through existing conduit or on existing overhead poles.

- (5) **Traffic Control Plans.** All plans for temporary traffic control shall comply with the latest edition of the California Manual on Uniform Traffic Control Devices (“CA-MUTCD”). Traffic control plans that match the standard plans in the CA-MUTCD shall not require an engineer’s signature and stamp; provided, however, that any traffic control plans that deviate from such standard plans must be prepared, signed and stamped by a California licensed or registered engineer.
- (6) **Photo Simulations.** For each surface mounted facility, the applicant shall submit site photographs and photo simulations that show the existing location and proposed surface mounted facility in context from at least one vantage point within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location. The simulation must depict the surface mounted facility from a vantage point approximately 50 feet from the proposed location. The photo simulation and vicinity map shall be incorporated into the construction plans submitted with the application. The photo simulations must show all required elements of the surface mounted facility that will be visible and shall be based on actual site photographs. For clarity, photo simulations shall not be required for: (i) proposed projects that involve like-for-like replacement surface mounted facilities that do not otherwise defeat the design standards or concealment requirements in this Policy; (ii) underground facilities; or (iii) aerial or overlashed cables or wires on existing utility poles or structures.
- (7) **Project Narrative and Justification.** All applications must contain a short, plain statement that describes the scope and purpose of the proposed project. The written statement shall also describe and include a master plan for any other planned facilities deployments by the applicant within the City over the next 5 years period from the date of submittal, including at a minimum: (a) the type of service(s) to be provided and purpose of the facilities; (b) their anticipated date of installation; (c) the location and zoning district of each project area; (d) the location and specific details (i.e., underground depth, above-ground height, etc.) of all facilities presently installed within the City’s limits; (e) a high-level design of all facilities presently intended to be installed over the next 5 years; (f) known locations where applicant plans to co-locate their facilities with the facilities of

other utilities; and (g) applicant's work plan for coordinating with other utilities to co-locate their other planned facilities with the facilities of other utilities. Applicant's master plan is for City planning purposes with respect to the timing and planned locations of construction in the public rights-of-way. If the applicant deploys its infrastructure on an "on-demand" basis without a long-range capital improvement plan, the master plan shall so state and indicate the applicant's level of confidence in any deployments depicted or described in the master plan. Neither applicant's master plan, nor anything in this Policy, shall be interpreted to entitle applicant to locate in a particular location or at a particular time. In addition, City reserves all rights now and in the future to set aside segments of the public rights-of-way for future City-planned capital improvement projects. If the applicant's proposed facilities deviate from any location and/or design standard of this Policy, the written statement shall also explain in plain factual detail how the proposed facilities deviate from any requirements in the Solana Beach Municipal Code and this Policy, which includes without limitation any location, coordination with other utilities, design and concealment requirements, and federal and state law, as applicable, the reasons for the deviation and any proposed mitigations to minimize the deviation. To the extent that any of the application requirements do not apply to the project being proposed, that shall also be set forth in the project narrative by the applicant.

- (8) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the facilities proposed in the application. The applicant is not required to resubmit such evidence of its regulatory status if the applicant already submitted such evidence with a previous application and there have been no changes to such evidence.
- (9) **Property Owner's Authorization.** If any facilities will be installed on or within any existing facilities, utility poles or support structures owned by an entity other than the applicant, the applicant must submit: (i) a written authorization from the entity(ies) that authorizes the applicant to submit and accept a permit in connection with the subject facility or structure; (ii) a copy of an application for the proposed facilities approved by the entity that owns the existing facilities, utility poles or support structures; or (iii) a statement from the applicant attesting, under penalty of perjury, that no such application is required by the entity that owns the existing facilities, utility poles or support structures.
- (10) **Acoustic Analysis.** The applicant shall submit either: (i) an acoustic analysis prepared and certified by a licensed engineer for any proposed noise-emitting equipment associated with any surface-mounted and undergrounded facilities including but not limited to all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations; or (ii) copies of the manufacturers' acoustic specifications for all noise-emitting equipment associated with any surface-mounted and undergrounded facilities including but not limited to all environmental control units, sump pumps, temporary backup power

generators and permanent backup power generators and a depiction of the proposed equipment relative to all adjacent property lines sufficient to demonstrate compliance with the City's noise regulations. The foregoing acoustic analysis requirement shall not apply to: (x) the portions of the facilities and equipment that are not, on their own, noise emitting, including but not limited to equipment enclosures, handholes, vaults, conduit, lines, wires and cables; (y) temporary construction equipment for the installation of such facilities and equipment; or (z) temporary or time-limited emergency equipment.

- (11)**Structural Analysis.** For any facilities to be installed on any utility pole or support structure, the applicant shall submit a report prepared and certified by an engineer licensed by the State of California (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole or support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, the standards and practices required for an ANSI/TIA-222 Maintenance and Conditions Assessment (under the most current revision at the time of submittal) and any safety and construction standards required by law and the utility provider. The report shall contain tolerances including but not limited to guy tensions if applicable, plumb, twist, slip splices and take-up devices. In the alternative, the applicant may submit a structural report or pole loading analysis approved by the entity that owns the utility pole or support structure.
- (12)**Environmental Impact Assessment.** The applicant shall submit an environmental impact assessment to determine whether the proposed project is exempt from CEQA, categorically exempt under Article 19 of the CEQA Guidelines or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report. If the proposed project is exempt for any other reason, the applicant must submit evidence of such exemption and a statement of how the proposed project fits within that exemption.
- (13)**Landscape Plan.** For projects that impact existing landscape features, a landscape plan shall be submitted with project application submittal indicating all existing vegetation that is to be retained on the project site and any additional vegetation that is needed to satisfactorily screen any surface mounted facilities from adjacent land uses in public view areas. That landscape plan shall conform to all the requirements set forth in this Policy and the City landscape guidelines manual as required by the Solana Beach Municipal Code Chapter 17.56, as applicable, as they may be amended or superseded. The landscape plan shall also include a tree protection plan prepared by a certified arborist and specify measures to protect trees during project construction and/or improvement.
- (14)**Available Space Calculations.** If applicant proposes to be the first to install facilities at a given location within the public right-of-way or if applicant does not

have an agreement with another utility to co-locate its facilities at that particular proposed location, applicant's plans shall include calculations and detail regarding the space available to install additional conduit in the proposed location.

- (15) **Truth and Accuracy Statement.** Any application submitted pursuant to this Policy shall be signed by the applicant, or a person knowledgeable about the proposed facility and authorized to act on the applicant's behalf, attesting, that under penalty of perjury, that all information, representations and disclosures in the application are true, correct and complete and that the person signing has the authority to bind the applicant.
- (b) **Pre-submittal Conferences.** For proposed projects involving new surface mounted facilities, ground disturbance or other excavation, the City requires prospective applicants to schedule and attend a pre-submittal conference with the Director and other City staff. Pre-submittal conferences for other proposed projects shall be voluntary. This pre-submittal conference is intended to streamline the review process through collaborative, informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project and/or project site, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments implicated by the proposed project; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, prospective applicants are encouraged (but not required) to bring any draft applications, plans, maps or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable in their then-current form. The prospective applicant may request in writing to discuss multiple proposed applications at the same pre-submittal conference. The Director will use reasonable efforts to accommodate the requested but retains sole discretion for scheduling the duration of the pre-submittal conference and number of proposed applications to be discussed at a single pre-submittal conference. The Director will use reasonable efforts to provide the prospective applicant with an appointment within approximately five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its actual, reasonable and documented costs to provide the staff and/or consulting time and services rendered in the pre-submittal conference. Any remaining amounts in the deposit following the City's reimbursement for its actual, reasonable and documented costs shall be applied to the applicable permit application fee(s) or refunded to the prospective applicant upon request. The Director may waive some or all of the foregoing requirements in accordance with Section (f) of these Application and Review Procedures (Temporary Requirements and Regulations).
- (c) **Submittal Appointments.** Except as may be required or permitted by the Director, applications must be submitted in person to the City at a pre-scheduled appointment with the Director. A prospective applicant must make a request for a pre-scheduled appointment in writing. A prospective applicant may request in writing to submit more than one application at the same pre-scheduled appointment or schedule successive

appointments for multiple applications with the Director. The Director, in the Director's sole discretion, may accept multiple applications at the same pre-scheduled appointment or schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants for any other development project. The Director shall use reasonable efforts to offer an appointment within five working days after the Director receives a written request from a prospective applicant. Any purported application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed, whether the City retains, returns or destroys the materials received. The Director may waive some or all of the foregoing requirements in accordance with Section (f) of these Application and Review Procedures (Temporary Requirements and Regulations).

- (d) **Incomplete Applications Deemed Withdrawn.** Any application governed under this Policy shall be automatically deemed withdrawn by the applicant when the applicant fails to submit a substantive response to the Director within 60 calendar days after the Director deems the application incomplete by written notice or through comments on the submittal documents transmitted to the applicant. The applicant's time to submit a substantive response may be extended, in the Director's sole discretion, upon written request from the applicant for good cause so long as the applicant is actively pursuing completion of its substantive response. As used in this Subsection (d), a "substantive response" must include, at a minimum, the complete materials identified as incomplete in the written incomplete notice.

- (e) **Peer and Independent Consultant Review.** The Director may, in the Director's reasonable discretion, select and retain an independent consultant with specialized training, experience and/or expertise in issues relating to facilities reasonably satisfactory to the Director in connection with any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with facilities deployment or permit applications for facilities, which include without limitation permit application completeness and/or accuracy and any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant. Subject to applicable law, in the event that the Director elects to retain an independent consultant in connection with any permit application, the Director shall notify the applicant in writing of such election and request that the applicant tender a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director until the City adopts the initial required deposit by fee schedule, and the applicant shall be responsible for the actual, reasonable and documented costs in connection with the services provided, which may include without limitation any actual, reasonable and documented costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant performs any services, the applicant shall, within 10 business days of receipt of the Director's notice, either elect to continue to have its application processed by the City by tendering to the City a deposit in the amount specified by the Director in the notice or the applicant shall withdraw its application. If the applicant elects to have its

application processed, the Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the actual, reasonable and documented costs in connection with the independent consultant's services. In the event that the deposit exceeds the actual, reasonable and documented total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the facility has been installed and passes a final inspection by the Director or his or her designee. In the event that the actual, reasonable and documented costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The City shall not issue any permit to any applicant with any unpaid deposit requests or invoices. Notwithstanding the foregoing, the applicant may withdraw its application by providing written notice at any time after it elects to have the City process it in conjunction with the independent consultant, and applicant shall no longer be liable for the actual, reasonable and documented costs incurred by the consultant following the date of the Director's receipt of such withdrawal notice.

- (f) **Temporary Requirements and Regulations.** Notwithstanding anything to the contrary in these Application and Review Procedures, the Director may, in the Director's sole discretion, establish other reasonable temporary rules and regulations for duly filed applications, which may include without limitation telephonic and/or electronic pre-submittal conferences and/or submittal appointments, regular hours for appointments and/or submittals without appointments as the Director deems necessary or appropriate to organize, document and manage the application intake process or to deal with temporary emergencies like the COVID-19 pandemic. Except in situations where prior written notice is impracticable, such as an emergency, temporary rules and regulations that could result in denial or rejection of an application shall be in written form and publicly stated to provide all interested parties with notice.

LOCATION AND DESIGN GUIDELINES

- (a) **Trench Cut Moratorium Streets.** All facility deployments shall comply with any trench cut moratorium policy adopted by the City ("Trench Cut Moratorium Policy"), which includes without limitation all trench cut repair requirements for work performed in a moratorium street.
- (b) **Dig Once.** Wherever feasible for similar technologies, applicant shall co-locate their facilities with the facilities of other utilities to reduce the number of excavations within the public right-of-way, preserve its useful life, efficiently manage and preserve the limited space in the public right-of-way and minimize the inconvenience to the community. Applicants shall make a documented effort to work with other utility agencies and the City to co-locate infrastructure in same trench whenever feasible based on the technology to minimize construction costs, minimize future public disruptions and encourage efficient use of the public right-of-way. The Director may require multiple excavators with overlapping projects to joint trench when technically feasible. If a joint trench is not technically feasible, the Director may require an

applicant to use trenchless technologies and/or perform additional restoration to surfaces subject to multiple street cuts.

- (c) **Encroachments Over Private Property.** No facilities may encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent submitted contemporaneously with the application or as otherwise authorized by some other property right such as an easement.
- (d) **No Interference with Other Uses.** Facilities shall not be located in any place or manner that would physically obstruct, unreasonably interfere with or unreasonably impede any: (1) pedestrian access to travel over sidewalks or soft shoulders; (2) worker access to any surface mounted or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (3) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (4) worker access to surface mounted or underground infrastructure owned or operated by any public or private utility agency; (5) access to any fire hydrant or water valve; (6) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; (7) access to any fire escape; or (8) access to any public or private property that currently exists or is planned to exist at the time of the permit approval.
- (e) **Location Preferences for Surface-Mounted Facilities.** To better assist applicants and decision makers understand and respond to the community's preferences and values, this subsection sets out listed preferences for locations to be used in connection with any facilities in an ordered hierarchy. Within each numbered location, the City most highly prefers surface-mounted facilities to be deployed on streets not subject to the City's Trench Cut Moratorium Policy, if any. If surface-mounted facilities must be deployed on streets subject to the Trench Cut Moratorium Policy, the applicant must also obtain a waiver pursuant to the Trench Cut Moratorium Policy. Applications that involve surface-mounted facilities in lesser-preferred locations, including residential zones, may be approved so long as the applicant demonstrates that more preferred alternative locations would be technically infeasible and, if applicable, the surface-mounted facilities in the proposed locations qualify for a waiver pursuant to the Trench Cut Moratorium Policy. The City requires surface-mounted facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
 - (1) locations within industrial zones, commercial zones, public/institutional zones or office professional zones on or along major arterials;
 - (2) locations within industrial zones, commercial zones, public/institutional zones or office professional zones on or along collector roads;

- (3) locations within industrial zones, commercial zones, public/institutional zones or office professional zones on or along local roads;
 - (4) locations within residential zones on or along major arterials;
 - (5) locations within residential zones on or along collector roads; and
 - (6) locations within residential zones on or along local roads.
- (f) **Additional Requirements for Surface-Mounted Facilities.** Surface-mounted facilities create obstructions and may adversely impact the public's use of the rights-of-way for travel, commercial, recreational and aesthetic purposes. In addition to all other requirements in this Policy, surface mounted facilities shall:
- (1) be located off any sidewalk or soft shoulder to the maximum extent technically feasible;
 - (2) when placement on the sidewalk cannot be avoided, be placed in a manner that maintains the appropriate path of travel for pedestrians, with particular attention to the needs of persons with disabilities in full compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*), the Fair Housing Act Amendments of 1988 and any other applicable disability/handicap accommodation laws;
 - (3) not be placed on sidewalks or pedestrian pathways with special paving or design features (such as paving stones or inlaid decorations);
 - (4) not be placed in underground utility districts, unless the applicant demonstrates that no other option is technically feasible;
 - (5) not be placed on public rights-of-way adjacent to open space or parks, unless the applicant demonstrates that no other option is technically feasible;
 - (6) not be placed on public rights-of-way adjacent to public schools;
 - (7) not be placed on public rights-of-way adjacent to a historic resource, or in a location that would adversely impact the view of a historic resource;
 - (8) be grouped next to any other nearby pre-existing surface mounted pedestals, cabinets or other equipment to the maximum extent technically feasible;
 - (9) be concealed from view from the public rights-of-way to the maximum extent technically feasible utilizing landscaping features including but not limited to existing and/or new bushes, retaining walls or other screening methods to blend with the landscape features;

- (10) manufactured from materials able to be painted in a color and manner approved by the Director, including but not limited to community painting projects subject to separate agreements addressing permittee's liability and maintenance responsibility, or wrapped in a material with a design and colors approved by the Director;
- (11) be placed as close as possible to the property line between two parcels that abuts the public rights-of-way;
- (12) not be placed directly in front of any door or ground-floor window;
- (13) not be placed within any sight distance triangles at any intersections;
- (14) not be placed in any location that obstructs view lines for traveling vehicles, bicycles and pedestrian;
- (15) not be placed in any location that obstructs views of any traffic signs or signals;
- (16) not be placed in any location that obstructs illumination patterns for existing streetlights;
- (17) be placed at least 15 feet away from any driveway or established pedestrian pathway between a residential structure and the public rights-of-way; and
- (18) be placed at least 50 feet away from any driveways for the Marine Safety Center, police/sheriff's stations, fire stations or other emergency responder facilities.

STANDARD CONDITIONS

The following conditions shall be in addition to any conditions imposed on the temporary construction activities undertaken in connection with the facility(ies) covered by each such permit and remain in effect at all times while the facility(ies) covered by each such permit remain within the City's right-of-way. These conditions shall be attached and incorporated into the permit issued by the City. These conditions shall be effective when the permittee accepts the permit issued by the City. All references to the "Director" shall mean the City Engineer / Engineering/Public Works Director of the City of Solana Beach or the Director's designee.

- (a) **No Property Rights Created.** This permit grants the permittee only a non-possessory, non-exclusive and revocable right to enter on to and use the public rights-of-way in accordance with the terms and conditions in the Solana Beach Municipal Code, this permit and any other permits or regulatory authorizations issued by the City. The permittee expressly acknowledges and agrees that: (1) this permit neither creates nor will be deemed to create any leasehold, easement, franchise or any other possessory interest (whether present, future, contingent or otherwise) or real property interest whatsoever in the right-of-way or any other City property; (2) this permit is not coupled with an interest; (3) the City retains legal possession and

control over all City property for the City's municipal functions, which will be superior to the permittee's rights and interest, if any, in any such City property covered by this permit at all times; (4) subject to the terms and conditions in the Solana Beach Municipal Code, this permit and any other applicable laws, the City may terminate this permit, in whole or in part, at any time; (5) the City may enter into any agreement with third parties to use and/or occupy the public rights-of-way and/or any City property, whether in the City's regulatory or proprietary capacity as the case may be; and (6) this permit neither creates nor will be deemed to create any partnership or joint venture between the City and the permittee.

- (b) **Unlawful Uses; Nuisances.** The permittee shall not use the facilities authorized by this permit, in whole or in part, in any unlawful manner or for any illegal purpose. In addition, the permittee shall not use the facilities authorized by this permit, in whole or in part, in any manner that constitutes a nuisance as determined by the City in its reasonable discretion. The permittee shall take all precautions to eliminate any nuisances or hazards in connection with its uses and activities on or about the public rights-of-way.
- (c) **Safety.** The permittee shall at all times employ reasonable care, within the meaning of applicable laws, and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents that may cause damage, injury or nuisance to the public. The permittee shall construct, operate and maintain its facilities so as not to endanger or interfere with improvements the City shall deem reasonably appropriate to make, consistent with applicable laws, or to interfere in any manner with the public rights-of-ways or legal rights of any property owner or to unnecessarily hinder or obstruct pedestrian or vehicular traffic. The permittee shall not place its facilities, equipment or fixtures where they will interfere with any gas, electric, telephone, telecommunications, communications, water, sewer or other utility facilities, obstruct or hinder in any manner such entity's use of any public rights-of-way, or otherwise in any manner incommode the public rights-of-way.
- (d) **USA 811.** The permittee warrants and represents to City that permittee is presently a member in good standing with the Underground Service Alert ("**USA 811**"). The permittee shall maintain current membership in USA 811 at all times while the facilities remain within the right-of-way. Permittee will continue to respond to DigAlert requests to mark abandoned facilities for as long as such facilities remain in place, including after any abandonment. Prior to any excavation performed in the right-of-way, permittee shall observe and perform all notice and other obligations required under applicable Laws, which includes, without limitation, California Government Code §§ 4216 *et seq.*, as may be amended or superseded.
- (e) **City Fees; Cost Reimbursement.**
 - (1) **Standard Fees.** The permittee shall pay all required City fees including, without limitation, processing, field marking, engineering and inspection fees in accordance with the published rates in effect at the time of permit issuance.

- (2) **Right to Cost Reimbursement.** The City shall be entitled to recover from the permittee the actual, reasonable and documented costs to provide or perform any services in connection with this permit, which includes without limitation any costs incurred by City staff or the City's contractors, consultants and experts to review permit applications, issue permits or supervise or inspect any construction, installation or other work in connection with this permit. The permittee's payment of any fees in connection with any permit shall not relieve the permittee's obligation to reimburse the City for any and all actual, reasonable and documented costs incurred by the City in the future.
- (3) **Nonpayment.** The City shall be entitled to withhold issuance of any permits or approvals based on the permittee's nonpayment of any required fee or accrued costs. The City's acceptance of any payment less than the full amount due shall not be construed as an accord and satisfaction.
- (4) **Revenue Generating Fees.** Subject to the representations by the permittee as to its status as a telephone corporation, and in accordance with California Public Utilities Code § 7901, in its current form and as currently interpreted by California courts with competent jurisdiction, the City shall not impose, and the permittee shall not be required to pay, any revenue-generating fees in connection with its use or occupancy of the public rights-of-way for the provision of telephone services. The permittee's rights to use the City's right-of-way free from any revenue-generating fee imposed by the City is based on the permittee's certificate of public convenience and necessity ("CPCN") and the permittee's representations to the City that it will use the City's right-of-way solely to provide telephone service to the public (or other such users as to be effectively available to the public) in accordance with the permittee's CPCN. The City expressly reserves the right, in addition to all other rights the City has now or may have in the future, to revoke or amend this permit, in whole or in part, and require the permittee to comply with any lawful requirements, which may include full fair and reasonable compensation to the City for the permittee's use and occupancy on, over, under or in the City's right-of-way if: (1) the permittee uses the facilities for any purposes other than to provide telephone services or any other purposes not sanctioned by the permittee's CPCN; or (2) the City determines that applicable laws, which includes without limitation California Public Utilities Code § 7901 as may be amended or superseded in the future, do not preclude the City's right to impose any other lawful requirements not contained in this permit or these standard conditions. The foregoing condition is not applicable to a permittee subject to DIVCA that represents its status as a DIVCA certificate holder to use the City's right-of-way.

(f) **Installation, Construction, Excavation and Other Work.**

- (1) **General Work Standards.** The permittee shall perform all installation, construction, excavation and other work in connection with the facilities (i) in accordance with the terms and conditions in the Solana Beach Municipal Code, this permit and any other applicable laws; (ii) at the permittee's sole cost and

expense, and at no cost to the City; (iii) in strict compliance with the approved plans, specifications and conditions associated with this permit; (iv) in a safe, diligent, skillful and workmanlike manner; and (v) to the Director's reasonable satisfaction.

- (2) **Contractors and Subcontractors.** The permittee shall use only qualified and trained persons and appropriately licensed and insured contractors for all installation, construction, excavation or other work performed on or about the public rights-of-way. At least five business days before any installation, construction or other work commences on or about the public rights-of-way, permittee shall provide the City with a list with all the names, license numbers and contact information for all contractors or subcontractors who will perform the installation, construction, excavation or other work.
- (3) **Excavation Monitoring and Protection.** Any excavation performed in the public rights-of-way must be monitored by the permittee for any lateral movement, trench failures and other similar hazards. The permittee shall, at the permittee's sole cost and expense, repair any damage (which includes without limitation any subsidence, cracking, erosion, collapse, weakening and/or any loss or reduction in lateral or subjacent support) to the public rights-of-way, any adjacent private property, any utility lines or systems (whether overhead or underground) and any sewer and/or water lines or systems resulting from or in connection with any excavation by the permittee or its agents. All repair or restoration work performed pursuant to this condition shall be performed under the Director's supervision and to the Director's reasonable satisfaction.
- (4) **Public Notice.** Prior to commencing any work, the permittee shall provide advanced notice of the planned work to those residences and businesses located within 50 feet of the work area in the manner and form as prescribed by the Director or as expressly provided in any permit.
- (5) **Inspections.** The City shall have the right to inspect the permittee's facilities at any time during any construction, installation or other work in connection with any permit. Within 5 business days after the permittee completes any installation, construction, excavation or other work, the permittee shall provide the City with a written notice that confirms the precise locations and dates on which the permittee completed the work. Additionally, if the permittee is not a utility provider holding a CPCN or DIVCA certificate registered with the CPUC, within 5 days after the permittee completes any electrical work, the permittee shall, at the permittee's sole cost and expense, have a licensed electrician, selected by the permittee from the City's list of pre-approved contractors, provide the City with a written report verifying that the permittee's electrical work associated with the facilities was done in strict compliance with all applicable electrical regulations, which may include, without limitation, the utility service provider's standards, specifications and/or other requirements; the Solana Beach Municipal Code; the National Electric Safety Code; the California Building Code and the California Electric Code, as either may be adopted by the City with any legally permitted amendments. The

City shall have the right to inspect the permittee's facilities at any time after the permittee completes any construction, installation or other work in connection with any permit. If the City discovers any defects or non-compliant conditions in connection with the facilities, the permittee shall, at the permittee's sole cost and expense, correct any such defects and conditions within the time period specified in the written notice from the City. If no time period is specified in the written notice, the default time for such corrections shall be 30 days from the date of the written notice; provided, however, that defects or non-compliant conditions that threaten public health and safety or threaten to cause imminent property damage shall be immediately corrected by the permittee. Such period may be extended by the City at its discretion upon written request from the permittee where the permittee shows good cause as to why additional time is reasonably required to complete the necessary work. The permittee shall promptly reimburse the City for all actual, reasonable and documented costs incurred in connection with any inspections or re-inspections by the City. The City's final inspection will occur after: (i) all surface improvements have been restored; (ii) all construction debris, excess materials, traffic control devices, and equipment have been removed; and (iii) the site has been cleaned and rendered safe for pedestrian and vehicular traffic by the Director. Any work performed by the permittee without an inspection is subject to rejection and removal by the City at permittee's expense in accordance with applicable laws.

- (6) **As-Built Plans and Maps.** Within 30 days after the permittee notifies the City that the work has been completed (or such other time as may be specified by the Director in writing), the permittee shall file as-built plans and maps in a format specified by the Director. In addition to any format required by the Director, all as-built plans and maps shall include digital copies in a native format compatible with the City's document management, GIS and/or other digital information management systems. The permittee's as-built plans and maps must show the accurate location and dimensions for all facilities. The City shall have the right to reject any as-built plans or maps for cause, in which case the permittee shall file revised as-built plans and/or maps within 30 days after notice from the City (or such other time as may be specified by the Director in writing). The City shall not close the permit until the as-built plans and maps required in this condition have been provided by the permittee.

(g) **Ongoing Maintenance and Repairs.**

- (1) **General.** The permittee shall be solely responsible for any repairs or maintenance required to keep its facilities in a clean, safe and code-compliant condition. The permittee, at its sole cost and expenses, shall complete any repair damage to its facility within: (i) 30 days after the permittee discovers or receives notice (written or verbal) that such damage exists or (ii) immediately if such repairs are necessary to preserve life or property. All repair or restoration work performed pursuant to this condition shall be performed under the Director's supervision and to the Director's satisfaction.

- (2) **Graffiti.** The permittee shall be solely responsible for graffiti removal on its facilities within the public rights-of-way. The permittee, at its sole cost and expenses, shall remove any graffiti from its facilities within 10 days after the permittee discovers or receives notice (written or verbal) that such graffiti exists on its facilities.
 - (3) **Routine Inspections.** The permittee shall regularly inspect its facilities at least once per calendar year to assess its compliance with the requirements in the Solana Beach Municipal Code, this permit and other applicable laws and determine the need for maintenance and/or graffiti abatement.
 - (4) **Damage to Landscape Features.** The permittee shall replace any public or private landscape features damaged or displaced by the construction, installation, excavation operation, maintenance or other work performed by the permittee or at the permittee's direction in connection with this permit and/or the facilities. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the City. If the permittee does not replace such damaged or displaced landscape features, including frees, the permittee shall pay in-lieu fee to the City for such replacement required by this condition, and such in-lieu fee shall be based on the City's actual, reasonable and documented costs for such landscape replacement. The permittee shall assume any and all responsibility for restoration, repair and/or replacement of its facilities should any part of its facilities be damaged by root intrusion by a City street tree or landscaping.
- (h) **Facility Identification.** The permittee shall permanently affix a sign on each surface-mounted and above-ground facility within the City's right-of-way that contains the permittee's (1) name; (2) facility-specific identification information; and (3) telephone number to be used to report damage, required maintenance, graffiti or other similar matters to the permittee about the facility. Such signage must be displayed in a conspicuous manner, be visually appealing and maintained and/or replaced as may be necessary.
- (i) **Liability.**
- (1) **Generally.** Each owner shall be responsible for the work performed and completed operations in connection with the permit and shall be liable for any consequences that result from the installation, construction, excavation or other work and any condition thereof. The permittee shall not be excused from such responsibility and liability based on any permit issuance, inspection, repair, suggestion, approval or acquiescence by any person affiliated with the City.

- (2) **Consequential, Indirect or Punitive Damages.** Without limiting any indemnification obligation placed on the permittee or other waivers contained in the Solana Beach Municipal Code or this permit, the permittee fully releases, waives and discharges forever any and all claims against the City for consequential and incidental damages that may arise from or in connection with any permit or the permittee's use on, in, under or about the City's right-of-way, which includes without limitation any lost profits related to any disruption to the permittee's facilities, any interference with uses or operations conducted by the permittee, from any cause whatsoever, and each party covenants not to sue for such damages the City, the City's departments and each other's agencies, officers, directors and employees, and all persons acting by, through or under them. Notwithstanding the foregoing, the foregoing waiver by the permittee shall not apply to consequential or indirect damages that may arise from the City's sole active negligence or willful misconduct.
- (3) **No Personal Liability for City Personnel.** In no event will any City council, commission, board, agency, member, officer, employee, consultant, volunteer or other agent (collectively, the "indemnified City parties") be personally liable to the permittee, its successors or assigns, for any default, breach, other nonperformance or sum unpaid sum by the City. The provisions in this condition shall survive this permit's revocation, termination or expiration.

(j) **Indemnification.**

- (1) **Permittee's Indemnification Obligations.** The permittee, for itself and its successors and assigns, shall indemnify, defend and hold the indemnified City parties harmless from and against any and all claims, incurred in connection with or arising in whole or in part from any act or omission by the permittee or its agents, licensees, customers or invitees in connection with any permit or permit condition, any facility or any regulatory approvals, but except to the extent that that such claim is caused by the City's sole active negligence or willful misconduct. Licensee's obligations under this condition include, without limitation, all reasonable fees, costs and expenses for attorneys, consultants and experts, and the City's actual and reasonable costs to investigate and defend against any claim. The permittee expressly acknowledges and agrees that: (a) the permittee has an immediate and independent obligation to defend any indemnified City parties from any claim that actually or potentially falls within this condition, even when the allegations in the claim are or appear to be groundless, fraudulent or false; and (b) the permittee obligations arise at the time any indemnified City parties tender a claim to the permittee and, to the extent that such claim actually falls within this condition, continue until such claim's final, non-appealable resolution. The permittee obligations under this condition shall not be limited by any provision of insurance coverage that either the permittee or the City may have in effect during any permit and shall survive any permit's revocation, termination or expiration.

(2) **Permittee's Defense of the City.** In the event that any claim is brought against any indemnified City parties in connection with any subject matter for which any indemnified City parties are indemnified by the permittee under any permit, the permittee shall, upon written notice and at the permittee's sole cost and expense, resist and defend against such claim with competent and experienced legal counsel reasonably acceptable to the City. The City shall not unreasonably withhold or delay its consent to legal counsel selected by the permittee; provided, however, that the City may reject any proposed legal counsel that: (a) is not duly licensed to practice law in the State of California by the State Bar of California; (b) has any past or pending disciplinary actions by any United States tribunal or state bar association; or (c) has any actual or potential conflicts of interest with any indemnified City parties who would be represented by such proposed legal counsel. The permittee shall not, without the City's written consent, enter into any compromise or settlement agreement on any indemnified City parties' behalf that: (x) admits any liability, culpability or fault whatsoever on any indemnified City parties' part; (y) requires any indemnified City party to take or refrain from any action, which includes without limitation any change in the City's policies or any monetary payments; or (z) does not include an unconditional release of all claims. Nothing in these conditions shall be construed to limit or preclude any indemnified City parties or their respective legal counsel from cooperating with the permittee and/or participating in any judicial, administrative, alternative dispute resolution or other litigation or proceeding. The permittee's obligations under this condition shall not be limited by any provision of insurance coverage that either the permittee or the City may have in effect during any permit and shall survive any permit's revocation, termination or expiration.

(k) **Insurance.**

(1) **Types; Amounts.** The permittee shall maintain insurance of the types and amounts described below for the term of this permit or as long as the permittee's facilities remain in the public rights-of-ways subject to the completion of any removal or restoration requirements, whichever is longer. Additionally, the permittee shall require its contractors to procure and maintain insurance of the types and in the amounts described below for the duration that such contractors and subcontractors perform any work in the public rights-of-way and such insurance must cover both the contractors and their subcontractors unless the subcontractors procure and maintain insurance of the types and in the amounts described below. If any of the required insurance contains a general aggregate limit, such insurance shall apply separately or be no less than two times the specified occurrence limit unless an aggregate limit is specified below.

(A) **Commercial General Liability Insurance.** Insurance Services Office Occurrence form or equivalent providing coverage at least as broad as CG 00 01 which shall cover liability arising from any and all personal injury or property damage, including ongoing and completed operations, in the amount no less than \$2,000,000.00 per occurrence and subject to an annual aggregate of \$4,000,000.00. If limits apply separately to this project (CG 25 03 or 25 04) the

general aggregate limit shall not apply. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Contractors Coverage. The policy shall contain no endorsements or provisions limiting coverage for: (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; (iv) prior work; (v) action over claims; or (vi) contain any other exclusion contrary to the conditions in this permit. Completed operations coverage shall be maintained in effect for the benefit of the City for a period of 2 years following the completion of the work specified in the permit. All defense costs shall be outside the limits of the policy. If the permittee or subcontractor maintains higher limits than the limits shown above, the City shall be entitled to coverage for the higher limits maintained by the permittee and their subcontractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City. Any excess of umbrella policies being used to meet the required limits of insurance will be evaluated separately and must meet the same qualifications as the permittees primary policy.

- (B) **Business Automobile Liability Insurance.** Insurance Services Office Form Number CA 00 01, or a substitute form providing equivalent coverage, covering, Code 1 (any auto), with a limit no less than \$1,000,000 per accident for bodily injury and property damage.
- (C) **Workers’ Compensation and Employers’ Liability Insurance.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with a limit no less than \$1,000,000 per accident for bodily injury or disease. The permittee and subcontractors shall provide an endorsement that the insurer waives the right of subrogation against the City and its respective elected officials, officers, employees, agents and representatives.
- (D) **Professional Liability (Errors and Omissions) Insurance.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee’s profession, with a limit no less than \$2,000,000

per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. "Covered Professional Services" as designed in the policy must specifically include work performed under this permit. If approved by the City's Risk Manager, the permittee may satisfy this requirement with evidence that its contractor's or contractors' insurance policies meet the requirements in this condition. All defense costs shall be outside the limits of the policy. If permittee or contractor maintains higher limits than the limits shown above, the City shall be entitled to coverage for the higher limits maintained by the permittee or contractor.

- (E) **Contractors Pollution Liability Insurance.** The permittee shall procure and maintain at its expense Contractors Pollution Liability Insurance including contractual liability coverage to cover liability and legal expenses arising out of cleanup, removal, storage, or handling of hazardous or toxic chemicals, materials, substances, or any other pollutants by the permittee or any subcontractor resulting from pollution conditions associated with the facility with a limit no less than \$2,000,000 each occurrence combined single limit for bodily injury and property damage.
- (2) **Claims-Made Policies.** If the permittee maintains any required insurance under a claims-made form, the permittee shall maintain such coverage continuously throughout the permit term and, without lapse, for at least three years after the permit term expires so that any claims that arise after the expiration in connection with events that occurred during the permit term are covered by such claims-made policies.
- (3) **Umbrella or Excess Liability Policy.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for Commercial General Liability Insurance or Business Automobile Liability Insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be "pay on behalf," with defense costs payable in addition to policy limits. The other insurance section of the umbrella or excess liability policy shall specify that it is primary and noncontributory to any insurance held by the City.
- (4) **Self-Insured Retentions.** Any self-insured retentions are the responsibility of the permittee and must be declared to and approved by the City. At the option of the city, either (i) the insurer shall reduce or eliminate such self-insured retentions as respects the City, its officers, officials, employees, and representatives, or (ii) the permittee shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

- (5) **Additional Insured; Separation of Insureds.** The required commercial general liability and business automobile liability insurance shall name City, its elected officials, officers, employees, agents, consultants and volunteers as additional insureds with respect to work performed by or on behalf of the permittee or its contractors, including materials, parts, or equipment furnished in connection therewith. The additional insured endorsement shall be an ISO Form 20 10 11 85 or an ISO Form 20 10 10 01 and 20 37 10 01, or their equivalent. The required insurance shall contain standard separation of insureds provisions, and shall contain no special limitations on the scope of its protection to the City, its elected officials, officers, employees, agents, consultants and volunteers.
- (6) **Primary Insurance.** The required insurance shall be primary with respect to any insurance or self-insurance programs covering the City, its elected officials, officers, employees, agents, and volunteers as reflected in an endorsement at least as broad as CG 20 01 04 13 which shall be submitted to the City.
- (7) **Certificates.** Before the City issues any permit, the permittee shall make available to the City insurance certificates, in a form satisfactory to the City, that evidence all the coverage required above if a current and valid insurance certificate is not already on file with the Development Services Department. In addition, the permittee shall promptly make available in the presence of the permittee's representative complete copies of all insurance policies upon a written request by the City. Any failure by the permittee to comply with insurance requirements before permit issuance shall not relieve the permittee of any of its insurance related obligations, nor constitute any waiver of such requirements, and permittee shall provide insurance certificates and comply with all insurance conditions immediately and, in any event, before commencing construction.
- (8) **Term; Cancellation Notice.** The permittee shall maintain the required insurance throughout the permit term and shall replace any certificate, policy, or endorsement which will expire prior to that date. The permittee shall ensure any contractors who perform work for the permittee in the public rights-of-way also maintain the required insurance. The permittee shall provide the City 30 days prior written notice of cancellation except for non-payment of premium for which a 10 day notice will be provided for all applicable policies. The permittee shall promptly take action to prevent cancellation or suspension, reinstate cancelled coverage or obtain coverage from a different qualified insurer.
- (9) **Insurer Rating.** Unless approved in writing by the City, all required insurance shall be placed with insurers authorized to do business in the State of California and with a current A.M. Best rating of at least A-VII.
- (10) **Self-Insurance.** The City may accept self-insurance only when the permittee provides the Director with a bond or other surety in a form acceptable to the Director and at least as broad as the requirements specified above.

(11) **Alternative Insurance Policies.** The City recognizes that a permittee may carry one or more insurance policies that may provide equivalent or superior coverage as compared to the policies described above, or the permittee may be required to carry similar or superior policies by reason of a statewide franchise. Notwithstanding anything in these conditions to the contrary, the City may accept alternative insurance policies carried by the permittee so long as the policy(ies) are in a form acceptable to the City's Risk Manager and at least as broad as the requirements specified above as determined by the City's Risk Manager.

(l) **Hazardous Materials.**

(1) **Compliance with Environmental Laws.** The permittee covenants and agrees that neither the permittee nor its agents or invitees will cause or permit any hazardous material to be transported to or from or be brought upon, kept, used, stored, generated, disposed of or released in, on, under or about the public rights-of-way or any other City property, in whole or part, or transported to or from any City property in violation of any law in relation or connection to industrial hygiene, environmental conditions or hazardous materials ("environmental laws"), except that the permittee may use small quantities of hazardous materials as needed for routine operation, cleaning and maintenance of the permittee's facilities that are customarily used for routine operation, cleaning and maintenance of such facilities and so long as all such hazardous materials are contained, handled and used in compliance with all environmental laws. As used in these conditions, "hazardous material" means any material that, due to its quantity, concentration or physical or chemical characteristics, is at any time now or hereafter deemed by any local, regional, state or federal body with jurisdiction and responsibility for issuing regulatory approvals in accordance with applicable laws to pose a present or potential hazard to human health, welfare or safety, or to the environment. The term "hazardous material" as used in these conditions will be broadly construed, and includes, without limitation, the following: (i) any material or substance defined as a "hazardous substance", or "pollutant" or "contaminant" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (codified as 42 U.S.C. §§ 9601 *et seq.*) or California Health & Safety Code § 25316; (ii) any "hazardous waste" listed California Health & Safety Code § 25140; or (iii) any petroleum, including crude oil or any fraction thereof, natural gas or natural gas liquids.

(2) **Hazardous Materials Release Notice.** The permittee shall promptly notify the City if and when the permittee learns or has reason to believe any actual or imminent spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of hazardous materials (each such event, a "release") has occurred in, on, under or about the public rights-of-way or other City property caused by the permittee, its agents or its invitees, however, no violation may be declared by the City pursuant to this condition unless the permittee has actively concealed the hazardous material release from the City after the permittee learns or has reason to believe that the hazardous material release has occurred. The permittee will not be deemed to have assumed

liability for any such release by giving such notice, except that the permittee may be liable to the extent that such release was caused by or arose in connection with the permittee's or its agent's or invitee's acts, omissions, or negligence.

- (3) **Permittee's Hazardous Material Indemnification Obligations.** If the permittee breaches any obligations contained in this condition, or if any act, omission or negligence by the permittee or its agents or invitees results in any contamination on or about the public rights-of-way or other City property, or in a hazardous material release from, on, about, in or beneath the public rights-of-way or any other City property, in whole or in part, or any environmental law violation, then the permittee, for itself and its successors and assigns, shall indemnify, defend and hold the City and any indemnified City parties harmless, from and against any and all claims (including damages for decrease in value of the public rights-of-way or other City property, the loss or restriction of the use of usable space in the public rights-of-way or other City property and sums paid in settlement of claims, reasonable attorneys' fees, consultants' fees, and experts' fees and related costs) that arises during or after the term of any permit related to or in connection with such release or violation; provided, however, the permittee shall not be liable for any claims to the extent such release or violation was caused by the City's sole active negligence or willful misconduct. The permittee's indemnification obligation includes all costs incurred in connection with any activities required to investigate and remediate any hazardous material brought or released onto the public rights-of-way or other City property by the permittee or its agents or invitees and to restore the public rights-of-way or other City property to its condition prior to such introduction or release, or to correct any environmental law violation. The permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City and the other indemnified City parties from any claim that actually or potentially falls within this indemnity provision even if the allegations supporting the Claim are or may be groundless, fraudulent or false, and that said obligation arises at the time such claim is tendered to the permittee by the indemnified City party and, to the extent the claim falls within this provision, continues until the claim is finally resolved. Without limiting the foregoing, if the permittee or any of its agents or invitees causes any hazardous material release on, about, in or beneath the public rights-of-way or other City property, then in any such event the permittee shall, promptly, at no expense to any indemnified City party, take any and all necessary actions to return the public rights-of-way and/or other City property, as applicable, to substantially the same condition existing prior to such hazardous material release on the public rights-of-way or other City property or otherwise abate the release in accordance with all environmental laws, except to the extent such release was caused directly by the City's gross negligence or willful misconduct. The permittee shall afford the City a full opportunity to participate in any discussions with regulatory agencies regarding any settlement agreement, cleanup or abatement agreement, consent decree or other compromise or proceeding that involves hazardous material release covered under this condition. Notwithstanding the foregoing or any other provision in the Solana Beach Municipal Code or this permit, the permittee shall not be liable or responsible for environmental or industrial hygiene conditions that

existed before the issuance of the applicable permit, or that otherwise did not result from the activities of the permittee. The permittee's obligations under this condition shall not be limited by any provision of insurance coverage that either the permittee or the City may have in effect during any permit and shall survive any permit's revocation, termination or expiration.

- (m) **Taxable Possessory Interest.** The permittee agrees to pay when due (and prior to delinquency) any and all taxes, assessments, charges, excises and exactions whatsoever, including without limitation any possessory interest taxes, that arise from or in connection with the permittee's use within the public rights-of-way or the permittee's facilities that may be imposed on the permittee under applicable laws. The permittee shall not allow or suffer any lien for any taxes, assessments, charges, excises or exactions whatsoever to be imposed on the public rights-of-way or the permittee's facilities. In the event that the City receives any tax or assessment notices on or in connection with the public rights-of-way or the permittee's facilities, the City shall promptly (but in no event later than 30 calendar days after receipt) forward the same, together with reasonably sufficient written documentation that details any increases in the taxable or assessable amount directly attributable to the permittee's facilities. The permittee understands and acknowledges that any permit may create a possessory interest subject to taxation and that the permittee will be required to pay any such possessory interest taxes. The permittee further understands and acknowledges that any sublicense or assignment under any permit and any options, extensions or renewals in connection with any permit may constitute a change in ownership for taxation purposes and therefore result in a revaluation for any possessory interest created under the permit.
- (n) **Records.** The permittee shall maintain throughout the term of any permit, and for at least four years after any permit expires or terminates, the following records in an electronic format: (1) identification information and physical location including but not limited to a physical address and GPS coordinates for all facilities within the City's territorial and/or jurisdictional boundaries; (2) a ledger or other similar document that contains the amount, payment date and reason for all sums paid to the City in connection with this permit and the facilities covered by this permit; (3) true and correct copies of all as-built plans, maps and regulatory approvals in connection with the facilities; and (4) proof of insurance and other related documents required to be carried and maintained under this permit; and (5) all correspondence with the City in connection with any matter related to any permit. The records identified in (1) and (3) shall be maintained for the duration that the facilities are located in the public rights-of-way, including after abandonment. To determine whether the permittee has fully and accurately paid all sums payable to the City in connection with this permit and the facilities covered by this permit, if any, and to determine whether the permittee has complied with its other obligations, the City, or its designee, will have the right (but not the obligation) to inspect and audit the permittee's records pertaining to any permit during regular business hours on 10 days' notice to the permittee and/or the permittee shall provide the City, or its designee, electronic copies of documentation reasonably required by the City to confirm the permittee's compliance hereunder. The permittee's obligations under this condition shall survive any permit's

revocation, termination or expiration for a minimum of four years after such event and, with respect to the records identified in (1) and (3), until four years after any permit's revocation, termination or expiration or until the facilities are removed from the public rights-of-way, whichever is later.

(o) **Rearrangement and Relocation.**

(1) **Rearrangement and Relocation for City Work.** The permittee acknowledges that the City for a valid governmental purpose, in its sole discretion and at any time, and in compliance with any applicable laws may: (i) change any street grade, alignment, width or location; (ii) add, remove, operate, repair, maintain, relocate or otherwise change any improvements owned by the City or any other public agency located in, on, under or along any public rights-of-way, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric, communications or telecommunications; (iii) underground or aboveground facilities; and/or (iv) plan capital improvement projects and perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). In the event that the Director reasonably determines that any City work will require the facilities to be removed, rearranged and/or relocated the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such removal, rearrangement and/or relocation. Said removal, rearrangement or relocation shall be completed within sixty (60) days of notification by City. Any removal of facilities shall be without regard to whether the facilities can be relocated. Permittee must apply for a new encroachment permit to relocate or rearrange said facilities to such other location or locations on or about the public right-of-way as may be then available. Nothing in this permit shall be interpreted to imply any rights with respect to priority related to encroachment into or remaining availability of space in the public rights-of-way. Permittee acknowledges that encroachment permits are granted on a first come, first served basis and that when space usable for non-municipal purposes in any public rights-of-way is exhausted, an encroachment permit will not be granted.

(2) **Removal, Rearrangement or Relocation by City.** If the permittee fails or refuses to either permanently or temporarily remove, rearrange and/or relocate the facilities within the time specified in the above condition, the City may (but will not be obligated to) cause the removal, rearrangement or relocation (at the City's option) to be performed at the permittee's sole cost and expense. The City may exercise its rights to remove, rearrange or relocate the facilities without prior notice to the permittee when the Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all actual, reasonable and documented costs and expenses in connection with such work within 30 days after a written demand for reimbursement. In addition, the permittee shall indemnify, defend and hold any and all indemnified City parties harmless from and against any claims in connection with removing, rearranging or relocating the facilities, or turning on or off any water, oil, gas, electricity or other utility service in connection with the facilities. Within 30 days

after any facilities have been rearranged or relocated (or such other time as may be specified by the Director in writing), the permittee shall file as-built plans and maps with the Director in the same manner and subject to the same requirements as provided in condition (f)(6).

- (3) **Removal, Rearrangement and Relocation for Emergencies.** In the event of an emergency, or where the permittee's facilities create or are contributing to an imminent danger to health, safety or property, the City may remove, relay or relocate any or all parts of those facilities without prior notice; however, the City shall make reasonable efforts to provide prior notice. Notwithstanding the foregoing, if the City has not provided notice in advance of taking such action, the City shall provide such notice as soon as practical after taking such action. In the event that any removal of facilities is necessary due to a conflict with a City capital improvement project, the City shall have the right, but not the obligation, to remove permittee's conflicting facilities, at Carrier's sole expense, upon seventy-two (72) hours' notice to permittee by the City.
- (4) **Rearrangement and Relocation to Accommodate Permittee.** If the public rights-of-way to be used by the permittee have preexisting installations placed in the said public rights-of-way, the permittee shall assume the responsibility to verify the location of the preexisting installations and notify, consistent with applicable laws, the City and any third-party owner of such preexisting installations. The cost of any work required of such third-party owner or the City to provide adequate space or required clearance to accommodate the permittee's installation shall, consistent with applicable laws, be borne solely by the permittee. Except as required by applicable laws, the City is under no obligation to move its existing installations out of the way to accommodate or make room for the permittee's facilities.
- (5) **Rearrangement and Relocation to Accommodate Third Parties.** The permittee shall reasonably cooperate with and promptly respond to requests to rearrange or relocate the facilities to accommodate third parties authorized to use the public rights-of-way ("third-party accommodations") within 30 days of such request. All reasonable costs to perform any third-party accommodations shall be borne by the person or entity to be accommodated; provided, however, that the permittee shall be solely responsible to collect any costs incurred by the permittee from such third party and the City shall have no liability to the permittee for any such costs. Prior to any third-party accommodations performed by the permittee, the permittee shall be permitted to require a written agreement signed by the person or entity to be accommodated to indemnify, defend and hold the permittee and its agents harmless from and against any and all claims that arise in connection with the proposed third-party accommodations, except to the extent any claims are directly caused by the permittee's or its agent's negligence or willful misconduct. Nothing in this permit shall be construed to require the permittee to perform any third-party accommodations that would materially reduce, impair or otherwise diminish the permittee's facilities or the permittee operations on the encroachment area. Within 30 days after any third-party accommodations, the

permittee shall file as-built plans and maps with the Director in the same manner and subject to the same requirements as provided in condition (f)(6). The permittee shall not agree or knowingly allow any third party to connect to or in any way utilize its facilities without such third party obtaining the proper permits, approvals and agreements from the City, as may be applicable, and paying to City any applicable fees, if any.

- (6) **No Right to Relocate City Property.** Nothing in this permit will be construed to require the City or authorize the permittee to change any street grade, width or location, or add, remove or otherwise change any improvements owned by the City or any other public agency located in, on, under or along any public rights-of-way, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric, communications or telecommunications, for the permittee's or any third party's convenience or necessity.
- (p) **Removal; Restoration.** No later than 30 days after a permit expires or terminates, as the case may be, the permittee shall: (1) peaceably remove its facilities from the public rights-of-way affected by the expiration or termination; (2) restore any such public rights-of-way and other City property affected by the removal to the condition that existed immediately before the permittee installed its facilities, reasonable wear and tear and loss by casualty or other causes beyond the permittee's control excepted; and (3) surrender such public rights-of-way to the City free and clear from any debris, hazards, liens and encumbrances caused by the permittee. If the permittee fails to timely perform its removal and restoration obligations under this permit, then: (i) the permittee shall remain responsible for all its obligations under the same and liable for all claims that may arise in connection with the facilities through and until such facilities are completely removed and the affected areas are completely restored; (ii) the City shall have the right (but not the obligation) to perform such obligations; (iii) the City shall have the right to store, sell or destroy any facilities, improvements, personal property or other things installed by the permittee in connection with the applicable permit; and (iv) the permittee shall reimburse the City for all actual, reasonable and documented costs incurred by the City in connection with such removal and restoration work within 30 days after a written demand for reimbursement and reasonable documentation to support such costs. Within 30 days after any facilities have been removed, the permittee shall file as-built plans and maps with the Director in the same manner and subject to the same requirements as provided in condition (f)(6). The obligations under this condition shall survive any permit's expiration or termination.
- (q) **Abandonment.** If any portions of the facilities covered under any permit are no longer used by the permittee, or are abandoned for a period of at least 3 months, the permittee shall notify City and shall either promptly vacate and remove the facilities at its own expense and in accordance with the Solana Beach Municipal Code and this permit or, at the discretion of the Director, with written approval, may abandon or temporarily abandon some or all of the facilities in place. The City may require the permittee to remove at its expense, or at the discretion of the Director, abandon or

temporarily abandon in place, any portion of the facilities that the permittee has not used for a period of at least 3 months. Notwithstanding the foregoing, this condition shall not apply to facilities installed to meet future demand or needs for capacity and identified as such to the City on permittee's most recent annual capital improvement forecast report. If the permittee fails to remove the unused or abandoned facilities and restore the public rights-of-way as provided in condition (p) within 60 days of receiving notice from the City and the Director has not approved abandonment in place, the City may, but shall not be obligated to, remove the facilities at the sole expense of the permittee, and the permittee shall promptly reimburse the City for any and all actual, reasonable and documented expenses, including but not limited to administrative, legal and consultant costs, within 30 days after receiving an invoice from the City. The Director may, in his/her discretion, condition an approval to abandon or temporarily abandon facilities in place on vacating and removing facilities and repairing and restoring the Public Right-of-Way to its pre-permit condition at permittee's own expense at any point within 5 years of the approved abandonment or temporary abandonment upon receipt of at least 30 days' written notice from the City that in its discretion, the facilities interfere with future improvement of the Public Right-of-Way or conflict with a City capital improvement project.

- (r) **Surety.** Before the City issues any permit required to commence construction in connection with any facilities, the permittee shall post a performance bond from a surety and in a form acceptable to the Director in accordance with applicable law, including without limitation, SBMC Sections 11.20.230-240, and based on a written estimate from a qualified contractor with experience in infrastructure removal or registered civil engineer. The written estimate must include the cost to remove all facilities and other improvements constructed or installed in connection with the facilities, plus the cost to completely restore any public rights-of-way and areas affected by the removal work to a standard compliant with applicable laws. The Director, in the Director's sole discretion, may authorize the permittee to post a single performance bond to cover multiple permits subject to this Policy if the amount for additional permits is increased in accordance with the terms of this condition. The performance bond required by this condition shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the facilities as required by this Policy. Any failure by permittee to comply with this condition before permit issuance shall not relieve the permittee of any of its bond related obligations, nor constitute any waiver of such requirements and permittee shall post the required bond immediately and, in any event, before commencing construction.

- (s) **Annual Capital Improvement Forecasts.** Upon at least 60 days' prior written notice from the City, but in no event more than once per year, the permittee shall submit a projected capital improvement forecast for its operations within the City's territorial and jurisdictional boundaries. The capital improvement forecast must include anticipated schedules for all new facilities and repairs, replacements and modifications to existing facilities to the extent feasible and with sufficient detail to allow the City to coordinate its own public improvements and other capital improvement projects by third parties. The permittee shall also participate in any

periodic capital improvement meetings held between the City and other utility or communications providers that deploy facilities in the public rights-of-way.

- (t) **Cooperation with Other Utilities.** Upon written notice by the City, the permittee agrees to reasonably cooperate in the planning, locating and constructing of its facilities in utility joint trenches or common duct banks with other similar utilities providers and/or City projects, and to participate in cost-sharing for the joint trench and ducts, when other entities are proposing excavation in the same public rights-of-way or when an underground project is being planned by the City. The foregoing shall not apply when the permittee's excavation work is due to an emergency or other maintenance or repair event that requires urgent action, or when excused by the Director for good cause. Permittee shall participate in periodic coordination meetings as requested by the City with other utilities and affected public agencies. The purpose of these meetings shall be to coordinate activity between public works projects and utility projects in the public right-of-way, minimize impacts of construction on the community or any other lawful purpose related to this permit or the facilities.

- (u) **Potholing.** Within a time specified by the Director (but not less than 21 business days after the permittee's receipt of a written request from the City), the permittee shall, at its sole cost and expense, expose its subsurface facilities by potholing (digging a test hole) to a depth of one foot (1') below the bottom of such facility. If the permittee fails to perform the potholing, the City may (but shall not have the obligation to) proceed on the permittee's account and the permittee shall promptly reimburse the City for the actual, reasonable and documented cost of same, including without limitation administrative and actual legal costs, and the City is hereby held harmless and indemnified by the permittee for any loss and/or damages resulting from the City's performance of the required work, except to the extent that such loss and/or damages are caused by the City's sole active negligence or willful misconduct. The provisions of this condition shall be applicable only to potholes required in connection with a public works project by the City. All work performed by the permittee pursuant to this condition shall be subject to the standard permit and restoration requirements applicable to potholing. The Director shall use best efforts to expedite review and approval for any permit applications for potholing under this condition. Provided that the permittee submits an application within 21 business days after the City's written request for potholing, the timeframes in this condition shall be automatically extended by the number of days between the permittee's submittal of an application and the City's approval of the application. Notwithstanding anything in this condition to the contrary, if the City's project requires more than 10 potholes in a 30-day period, the Director shall first confer with the permittee and establish a reasonable timeframe for performance of the work, which may include, without limitation, an agreement in advance for the City to perform the work at the permittee's cost.

- (v) **Permittee's Contact Information.** At all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (a) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site

manager and (iv) agent for service of process; (b) the regulatory authorizations held by the permittee and, to the extent applicable, site operator, equipment owner and site manager as may be necessary for the facility's continued operation if not previously provided to the Director; (c) the facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (d) a toll-free telephone number to the facility's network operations center where a live person is available 24 hours-per-day, seven days-per-week. Within 10 business days after a written request by the City, the permittee shall furnish the City with an update that includes all the most-current information described in this condition.

- (w) **Business License.** The permittee is required to obtain and maintain a City business license during the term of this permit. The permittee's contractors or subcontractors, if any, are required to obtain and maintain a City business license for the duration of time that the contractors or subcontractors are performing work on the permittee's behalf.
- (x) **Truthful and Accurate Statements.** The permittee acknowledges that the City's approval relies on the written and/or oral statements by the permittee and/or persons authorized to act on the permittee's behalf. In any matter before the City in connection with the permit or the facilities approved under the permit, neither the permittee nor any person authorized to act on the permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
- (y) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the City and the permittee and their respective successors and assigns.
- (z) **Severability of Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (1) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (2) all other provisions in this use permit or their application to any person, entity or circumstance will not be affected; and (3) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: City Attorney's Office
MEETING DATE: September 9, 2020
ORIGINATING DEPT: City Attorney's Office
SUBJECT: **Consideration of the Fifth Amendment to City Manager's Employment Agreement**

BACKGROUND:

On May 22, 2015, the City of Solana Beach ("City") entered into an employment agreement with Gregory Wade as City Manager ("Agreement"). On September 14, 2016, the City entered into the First Amendment to Employment Agreement with City Manager Wade. The Second Amendment to the Employment Agreement was approved on October 11, 2017. The Third Amendment to the Employment Agreement was approved on October 24, 2018. On September 25, 2019, the Fourth Amendment was approved.

The item is before the City Council to consider approval of the Fifth Amendment to the City Manager's Agreement.

DISCUSSION:

For consideration before the City Council is the consideration and adoption of Resolution 2020-127 (Attachment 1) approving the Fifth Amendment to the City Manager's Employment Agreement (Attachment 2). The proposed terms include: a) increased deferred compensation annual contribution by \$1500.00 and annual adjustments for cost-of-living increases based on the Internal Revenue Code section 415 to both Normal Limit and the Age 50 Catch-up limit and b) one-time benefit in December 2020 for "cash-out" of up to a maximum of 80 hours of vacation leave that would have been accrued in FY 2019-2020 and FY 2020-2021. All other terms would remain in full force and effect.

There is no increase to the base salary under the Fifth Amendment.

COUNCIL ACTION:

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The total fiscal impact of the amendment would be \$10,106 for Fiscal Year 2020-21.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council consider and, if acceptable, adopt Resolution 2020-127 authorizing the Mayor to execute the Fifth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect the \$1500.00 increase in deferred compensation annual contribution and annual adjustments thereafter based on the Internal Revenue Code section 415 to both Normal Limit and Age 50 Catch-up Limit and a one-time benefit to cash-out up to 80 hours of vacation leave that would have been accrued in FY 2019-2020 and FY 2020-201.

Johanna N. Canlas, City Attorney

Attachments:

1. Resolution 2020-127
2. Fifth Amendment to City Manager Employment Agreement

RESOLUTION 2020-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE FIFTH AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SOLANA BEACH AND GREGORY WADE TO REFLECT CHANGES TO COMPENSATION BENEFITS

WHEREAS, on May 22, 2015, the City of Solana Beach (“City”) entered into a three-year employment agreement with Gregory Wade for City Manager services (“Agreement”); and

WHEREAS, on September 14, 2016, the City and Gregory Wade entered into the First Amendment to Employment Agreement; and

WHEREAS, on October 11, 2017, the City and Gregory Wade entered into the Second Amendment to the Employment Agreement; and

WHEREAS, on September 26, 2018, the Third Amendment to the Employment Agreement was approved; and

WHEREAS, the Fourth Amendment was approved on September 25, 2019; and

WHEREAS, the Agreement provides for annual performance and compensation review; and

WHEREAS, the Fifth Amendment to the Agreement is necessary to reflect these revisions.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. That the City Council authorizes the Mayor to execute the Fifth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade.

PASSED AND ADOPTED this 9th day of September, 2020, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

**FIFTH AMENDMENT TO THE CITY MANAGER
EMPLOYMENT AGREEMENT
between the City of Solana Beach, a municipal
corporation, and Gregory Wade**

This Fifth Amendment to Employment Agreement is entered into this ____ day of September, 2020 and is effective as of July 1, 2020, by and between the City of Solana Beach, California, a municipal corporation (hereinafter "City") and Gregory Wade, an individual (hereinafter "Officer") (City and Officer referred to collectively as "Parties") with respect to the employment of Officer as the City Manager of the City.

RECITALS

1. WHEREAS, on May 22, 2015, the City and Officer entered into the Employment Agreement (Agreement). On September 14, 2016, the City and Officer entered into the First Amendment to Employment Agreement. The City and Officer entered into the Second Amendment to Employment Agreement on October 11, 2017. On September 26, 2018, the City and Officer entered into the Third Amendment to Employment Agreement. The Fourth Amendment between the City and Officer was approved on September 25, 2019.
2. WHEREAS, this Fifth Amendment amends and incorporates the Agreement and subsequent amendments (First through Fourth) (Amended Agreement). The City and Officer intend that all terms of the Amended Agreement referenced above shall remain effective to the extent they are not amended by this Fifth Amendment to the Employment Agreement.
3. WHEREAS, the terms of the Amended Agreement provide, among other things, benefits and compensation payable to the Officer.
4. WHEREAS, the effective date of the changes contained in this Fifth Amendment is effective as of July 1, 2020.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties agree as follows:

Section 1. Section 5(B)(6) is hereby amended to read as follows:

The annual contribution is hereby increased to \$26,000. Thereafter, this deferred compensation contribution would increase annually based upon the Internal Revenue Code Section 415 annual adjustments for cost-of-living increases to both the Normal Limit and the Age 50 Catch-Up Limit.

Section 2. Section 5(B)(4)(e) is hereby added to read as follows:

As a one-time benefit in December 2020, Officer may "cash-out", at the hourly rate of \$106.90, up to a maximum of 80 hours of vacation leave that would have been accrued in FY 2019-2020 and FY 2020-2021 but for the Officer having reached the vacation leave accrual limit or cap.

Section 3. The changes as outlined above shall be effective as of July 1, 2020.

Section 4. Except as modified herein, all other terms and conditions of the Employment Agreement, First, Second, Third, and Fourth Amendments to Employment Agreement shall remain effective.

IN WITNESS WHEREOF the Parties have executed this Fifth Amendment to Employment Agreement as of the day and year first above written.

CITY OF SOLANA BEACH

OFFICER

By: _____
Jewel Edson, Mayor

By: _____
Gregory Wade

APPROVED AS TO FORM

By: _____
Johanna Canlas, City Attorney



STAFF REPORT

CITY OF SOLANA BEACH/SOLANA BEACH SUCCESSOR AGENCY

TO: Honorable Mayor/Chair and City Councilmembers/Directors
FROM: Gregory Wade, City Manager/Executive Director
MEETING DATE: September 9, 2020
ORIGINATING DEPT: Finance
SUBJECT: **Consideration of Resolution No. SA-026 Approving the Amendment to the Recognized Obligation Payment Schedule (ROPS) for the Period January 1, 2021 to June 30, 2021**

BACKGROUND:

As of February 1, 2012, the Solana Beach Redevelopment Agency (the "Agency") was dissolved pursuant to Assembly Bill (AB) 1x26, which was found to be constitutional by the California Supreme Court in its decision in the *California Redevelopment Association v. Matosantos* case. Prior to the dissolution of the Agency, on January 11, 2012, the City Council adopted Resolution 2012-011, electing to become the Successor Agency (SA) to the Agency. Included as part of this legislation was the formation of a Countywide Oversight Board (OB) to replace all local Oversight Boards for each city's SA to be effective July 1, 2016. However, Senate Bill (SB) 107 delayed the formation of this Countywide OB until July 1, 2018.

On June 27, 2012, as part of the Fiscal Year (FY) 2012/13 State budget package, the Legislature passed, and the Governor signed, AB 1484, the primary purpose of which was to make technical and substantive amendments to AB 1x26, and SB 107 (collectively referred to as the "Dissolution Laws"), based on experience at the State and local level in implementing that AB 1x26. AB 1484 made several changes to the process and timing for preparation and approval of a SA's Recognized Obligation Payment Schedule (ROPS). The ROPS sets forth the payment amounts needed for the SA to meet its outstanding enforceable obligations ("EOs") for each fiscal year period until all outstanding debt and obligations are paid.

As part of the FY 2015/16 State budget package, the Legislature passed SB 107. As a budget "trailer bill", SB 107 took immediate effect upon signature by the Governor on September 22, 2015. The primary purpose of SB 107 was to make technical and

SUCCESSOR AGENCY ACTION: _____

substantive amendments to the existing Dissolution Laws including requiring an annual rather than a biannual ROPS and new administrative cost allocation formulas.

This item is before the City Council, in its capacity as the SA, for consideration of Resolution No. SA-026 (Attachment 1) approving the Amendment to the ROPS 20-21 for the period of January 1, 2021 to June 30, 2021 (the "Amendment").

DISCUSSION:

As noted above, the ROPS sets forth the payment amounts needed for the SA to meet its outstanding EOs for each fiscal year period until all outstanding debt and obligations are paid. The ROPS 20-21 covers the twelve-month enforceable obligation payment cycle under the Dissolution Laws, and controls distributions from the Redevelopment Property Tax Trust Fund ("RPTTF") to pay EOs during the period from July 2020 through June 2021. The EOs in Solana Beach consist primarily of bond payments (which includes \$200,906 in bond debt service and \$7,200 in related fees) and payments for legal services for the "The Affordable Housing Coalition of San Diego v Sandoval, et al" and "San Diego County Board of Education (SDCBoE), et al vs Sandoval, et al" cases (which totals \$40,000). For the ROPS 20-21 period, EOs totaled \$294,606.

At its Board meeting on January 8, 2020, the SA approved the ROPS 20-21 (Attachment 2) and submitted the ROPS 20-21 to the OB for approval. The OB approved the ROPS 20-21 on January 16, 2020 and the DOF approved the ROPS 20-21 on April 14, 2020.

When Staff prepared the ROPS 20-21, a request was made for a total of \$294,606 in EOs of which certain EOs were reported as being paid from Reserves. The use of reserves was based on a cash flow analysis done to determine funds available from previous fiscal years' ROPS. Each fiscal year's ROPS requests an amount of RPTTF funds needed to pay for that fiscal year's EOs. Actual EOs paid in previous fiscal years have been less than the RPTTF received and Staff determined that there was \$143,504 available as Reserves and applied this amount to the ROPS 20-21. With \$143,504 of the ROPS 20-21 EOs total of \$294,606 being paid with Reserves, the ROPS 20-21 requested \$151,102 in RPTTF funds to pay for the remaining EOs.

The DOF has a Prior Period Adjustment (PPA) process whereby SAs are required to report actual EOs paid as compared to the EOs requested on a fiscal year's ROPS. For the ROPS 17-18, the PPA reported \$143,554 as being underspent and available for use on subsequent ROPS. As part of the DOF approval for the ROPS 20-21, this amount was deducted from the ROPS 20-21 request for RPTTF of \$151,102 which resulted in the SA receiving only \$7,548 in RPTTF for the period July 2020 to June 2021 (Attachment 3) and as summarized in the table on the following page.

ROPS 20-21

	20-21A Total (July - December)			20-21B Total (January - June)			ROPS 20-21
	Non-Admin	Admin	Total	Non-Admin	Admin	Total	Total
Enforceable Obligations	\$ 125,902	\$ 23,250	\$ 149,152	\$ 122,204	\$ 23,250	\$ 145,454	\$ 294,606
Reserves	(75,804)	(23,250)	(99,054)	(21,200)	(23,250)	(44,450)	(143,504)
RPTTF Requested	50,098	-	50,098	101,004	-	101,004	151,102
ROPS 17-18 PPA	(50,098)	-	(50,098)	(93,456)	-	(93,456)	(143,554)
Total RPTTF Approved for							
Distribution by DOF	\$ -	\$ -	\$ -	\$ 7,548	\$ -	\$ 7,548	\$ 7,548

This Amendment is requesting that the Reserves reported on the ROPS 20-21B for the period January 2021 to June 2021 of \$44,450 be reduced to zero. No change in EOs is being requested. This revision results in an increase of \$44,450 in RPTTF being requested from \$101,004 to \$145,454. If the OB approves the Amendment and the DOF subsequently approves the Amendment and reduces the revised RPTTF being requested of \$145,454 by \$93,456 for the ROPS 17-18 PPA, the SA will receive a revised amount of \$51,998, or an increase of \$44,450, in RPTTF as summarized in the table below.

Amendment to ROPS 20-21 for the period January 1, 2021 to June 30, 2021

	20-21A Total (July - December)			20-21B Total (January - June)			ROPS 20-21
	Non-Admin	Admin	Total	Non-Admin	Admin	Total	Total
Enforceable Obligations	\$ 125,902	\$ 23,250	\$ 149,152	\$ 122,204	\$ 23,250	\$ 145,454	\$ 294,606
Reserves	(75,804)	(23,250)	(99,054)	-	-	-	(99,054)
RPTTF Requested	50,098	-	50,098	122,204	23,250	145,454	195,552
ROPS 17-18 PPA	(50,098)	-	(50,098)	(93,456)	-	(93,456)	(143,554)
Total RPTTF Approved for							
Distribution by DOF	\$ -	\$ -	\$ -	\$ 28,748	\$ 23,250	\$ 51,998	\$ 51,998

The Amendment will be submitted to the Oversight Board for approval at their regular meeting on September 17, 2020, with a subsequent submission to the DOF by the October 1, 2020 deadline.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The Amendment will allow additional funds to be available for SA cash flow purposes for the period January 1, 2021 to June 30, 2021.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments/modifications.
- Provide direction and feedback.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Successor Agency adopt Resolution No. SA-026 approving the SA Amendment to the ROPS for the period January 1, 2021 to June 30, 2021.

CITY MANAGER/EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager/Executive Director

Attachments:

1. Resolution No. SA-026
2. Recognized Obligation Payment Schedule for the period July 1, 2020 to June 30, 2021.
3. DOF Approval dated April 20, 2020
4. Amendment to the ROPS for the period January 1, 2021 to June 30, 2021

SUCCESSOR AGENCY RESOLUTION NO. SA-026

RESOLUTION OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING THE AMENDMENT TO THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JANUARY 1, 2021 TO JUNE 30, 2021 AND REQUESTING OVERSIGHT BOARD APPROVAL

WHEREAS, on December 29, 2011, the California Supreme Court delivered its decision in *California Redevelopment Association v. Matosantos*, finding Assembly Bill X1 26 (the "Dissolution Act") largely constitutional; and

WHEREAS, under the Dissolution Act and the California Supreme Court's decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Solana Beach Redevelopment Agency (the "Former RDA"), were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, on January 11, 2012, the City Council of the City of Solana Beach adopted Resolution No. 2012-011 accepting for the City the role of Successor Agency to the Former RDA (the "Successor Agency"); and

WHEREAS, under the Dissolution Act, an oversight board is established for each successor agency to a former redevelopment agency with the responsibility of overseeing the activities of the successor agency and approving certain actions of the successor agency in connection with the successor agency's wind down of the affairs of the former redevelopment agency; and

WHEREAS, Health & Safety Code ("HSC") Section 34179(j) provided for the creation of a single Countywide Oversight Board ("Oversight Board") commencing on and after July 1, 2018; and

WHEREAS, HSC Sections 34177(l) and 34177(o) require the Successor Agency to submit a Recognized Obligation Payment Schedule ("ROPS") for fiscal year 2020/21 to the San Diego County Auditor-Controller and the California Department of Finance ("DOF") by February 1, 2020, after approval by the Oversight Board; and

WHEREAS, the Oversight Board passed Resolution No. OB-2020-016 on January 16, 2020, approving the ROPS 20-21; and

WHEREAS, the DOF approved the ROPS 20-21 on April 14, 2020; and

WHEREAS, pursuant to Section 34177(o)(1)(E) of the HSC, once per ROPS period, and no later than October 1, the Successor Agency may submit one amendment to the ROPS approved by the DOF pursuant to this subdivision, if the Oversight Board makes a finding that a revision is necessary for the payment of approved enforceable obligations during the second one-half of the ROPS period, which shall be defined as

January 1 to June 30, inclusive. The Successor Agency may only amend the amount requested for payment of approved enforceable obligations; and

WHEREAS, pursuant to HSC Section 34177(o)(1)(E), the amended ROPS shall be approved by the Oversight Board and submitted to the DOF for approval; and

WHEREAS, an amended ROPS for the period January 1, 2021 to June 30, 2021 has been prepared in conformance with State law and has been presented to the Successor Agency.

NOW, THEREFORE, BE IT RESOLVED, by the Successor Agency for the Solana Beach Redevelopment Agency, as follows:

Section 1. Recitals Correct. The Successor Agency finds that the above Recitals are true and correct and have served as the basis for the findings and approvals set forth below.

Section 2. Approval of amended ROPS for the period January 1, 2021 to June 30, 2021. The Successor Agency hereby approves the Amendment to the Recognized Obligation Payment Schedule for the period January 1, 2021 to June 30, 2021, attached hereto as Exhibit A.

Section 3. Request for Oversight Board Approval of ROPS. The Successor Agency hereby requests the Oversight Board to approve the Amendment to the Recognized Obligation Payment Schedule for the period January 1, 2021 to June 30, 2021, attached hereto as Exhibit A.

Section 4. California Environmental Quality Act. The Successor Agency determines that the activity approved by this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 5. Further Actions and Documents. The Executive Director or designee, following consultation with the Agency Counsel, is authorized to take all actions and execute all documents on behalf of the Successor Agency necessary to effectuate the purpose of this Resolution.

Section 6. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that its board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the Successor Agency to the Solana Beach Redevelopment Agency at its meeting held on the 9th day of September 2020, by the following vote:

AYES: Board Member –
NOES: Board Member –
ABSENT: Board Member –
ABSTAIN: Board Member –

JEWEL EDSON, Chair

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, Agency Counsel

ANGELA IVEY, Agency Secretary

**Recognized Obligation Payment Schedule (ROPS 20-21) -
Summary Filed for the July 1, 2020 through June 30, 2021 Period**

Successor Agency: Solana Beach

County: San Diego

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	20-21A Total (July - December)	20-21B Total (January - June)	ROPS 20-21 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 99,054	\$ 44,450	\$ 143,504
B Bond Proceeds	-	-	-
C Reserve Balance	99,054	44,450	143,504
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 50,098	\$ 101,004	\$ 151,102
F RPTTF	50,098	101,004	151,102
G Administrative RPTTF	-	-	-
H Current Period Enforceable Obligations (A+E)	\$ 149,152	\$ 145,454	\$ 294,606

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/ _____
Signature Date

Solana Beach
Recognized Obligation Payment Schedule (ROPS 20-21) - ROPS Detail
July 1, 2020 through June 30, 2021

A	B	C	D	E	F	G	H	I	J	K	ROPS 20-21A (Jul - Dec)					Q	ROPS 20-21B (Jan - Jun)					W		
											Fund Sources						20-21A Total	Fund Sources					20-21B Total	
											L	M	N	O	P			R	S	T	U			V
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 20-21 Total	Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF				
								\$5,213,362		\$294,606	\$-	\$99,054	\$-	\$50,098	\$-	\$149,152	\$-	\$44,450	\$-	\$101,004	\$-	\$145,454		
2	Trustee Services	Fees	06/01/2006	12/01/2035	Wells Fargo Bank	Contract for Professional Services-Trustee Services	Solana Beach Redevelopment Project	64,000	N	\$4,000	-	4,000	-	-	-	\$4,000	-	-	-	-	-	\$-		
3	Continuing Disclosure	Fees	06/01/2006	12/01/2035	Urban Futures	Contract for Professional Services-Continuing Disclosure	Solana Beach Redevelopment Project	38,100	N	\$1,200	-	-	-	-	-	\$-	-	1,200	-	-	-	\$1,200		
4	Arbitrage	Fees	06/01/2006	12/01/2035	Koppel & Gruber	Contract for Professional Services - Arbitrage	Solana Beach Redevelopment Project	20,100	N	\$2,000	-	2,000	-	-	-	\$2,000	-	-	-	-	-	\$-		
21	Legal Services	Litigation	01/01/2014	12/01/2035	McDougal, Love, et al, and Goldfarb and Lipman, LLP, and Solana Beach Successor Agency	Defend Third Party litigation against Successor Agency regarding case: "The Affordable Housing Coalition of San Diego v Sandoval, et al." Case No. 34-2012-80001158-CU-WM-GDS	Solana Beach Redevelopment Project	160,000	N	\$20,000	-	10,000	-	-	-	\$10,000	-	10,000	-	-	-	\$10,000		
22	Successor Agency Administrative Expenses	Admin Costs	01/01/2014	12/01/2035	City of Solana Beach	Successor Agency administrative obligations relating to maintaining payments on enforceable obligations and other activities as required by AB1X26	Solana Beach Redevelopment Project	1,658,600	N	\$46,500	-	23,250	-	-	-	\$23,250	-	23,250	-	-	-	\$23,250		
24	2017 Tax Allocation Refunding Bond	Bonds Issued After 12/31/10	11/10/2017	12/01/2035	Wells Fargo Bank	Refunding of 2006 Tax Allocation Bonds that were used to fund Public Improvements		3,112,562	N	\$200,906	-	49,804	-	50,098	-	\$99,902	-	-	-	101,004	-	\$101,004		
25	Legal Services	Litigation	01/01/2017	12/01/2035	McDougal, Love, et al, and Colantuono, Highsmith & Whatley, PC, and Solana	Defend Third Party litigation against Successor Agency regarding case: "San Diego County Board of Education, et al v Sandoval, et al." Case No.		160,000	N	\$20,000	-	10,000	-	-	-	\$10,000	-	10,000	-	-	-	\$10,000		

Solana Beach
Recognized Obligation Payment Schedule (ROPS 20-21) - Report of Cash Balances
July 1, 2017 through June 30, 2018
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

A	B	C	D	E	F	G	H	
	ROPS 17-18 Cash Balances (07/01/17 - 06/30/18)	Fund Sources						Comments
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF		
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin		
1	Beginning Available Cash Balance (Actual 07/01/17) RPTTF amount should exclude "A" period distribution amount.	236,089		80,455	64	121,173		
2	Revenue/Income (Actual 06/30/18) RPTTF amount should tie to the ROPS 17-18 total distribution from the County Auditor-Controller	327	60			479,836		
3	Expenditures for ROPS 17-18 Enforceable Obligations (Actual 06/30/18)	236,416				336,332		
4	Retention of Available Cash Balance (Actual 06/30/18) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							
5	ROPS 17-18 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 17-18 PPA form submitted to the CAC		No entry required			143,504		
6	Ending Actual Available Cash Balance (06/30/18) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$60	\$80,455	\$64	\$121,173		

Solana Beach
Recognized Obligation Payment Schedule (ROPS 20-21) - Notes
July 1, 2020 through June 30, 2021

Item #	Notes/Comments
2	
3	
4	
21	
22	
24	
25	



Transmitted via e-mail

April 14, 2020

Gregory Wade, City Manager
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

2020-21 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the City of Solana Beach Successor Agency (Agency) submitted an annual Recognized Obligation Payment Schedule for the period of July 1, 2020 through June 30, 2021 (ROPS 20-21) to the California Department of Finance (Finance) on February 5, 2020. Finance has completed its review of the ROPS 20-21.

Based on a sample of line items reviewed and application of the law, Finance is approving all of the items listed on the ROPS 20-21 at this time.

Pursuant to HSC section 34186, successor agencies are required to report differences between actual payments and past estimated obligations (prior period adjustments) for the July 1, 2017 through June 30, 2018 (ROPS 17-18) period. Reported differences in Redevelopment Property Tax Trust Fund (RPTTF) are used to offset current RPTTF distributions. The amount of RPTTF authorized includes the prior period adjustment (PPA) resulting from the County Auditor-Controller's review of the PPA form submitted by the Agency.

The Agency's maximum approved RPTTF distribution for the reporting period is \$7,548, as summarized in the Approved RPTTF Distribution table (see Attachment).

RPTTF distributions occur biannually, one distribution for the July 1, 2020 through December 31, 2020 period (ROPS A period), and one distribution for the January 1, 2021 through June 30, 2021 period (ROPS B period), based on Finance's approved amounts. Since this determination is for the entire ROPS 20-21 period, the Agency is authorized to receive up to the maximum approved RPTTF through the combined ROPS A and B period distributions.

Absent a Meet and Confer, this is our final determination regarding the obligations listed on the ROPS 20-21. This determination only applies to items when funding was requested for the 12-month period. If a denial by Finance in a previous ROPS is currently the subject of litigation, the item will continue to be deemed denied until the matter is resolved.

Gregory Wade
April 14, 2020
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The ROPS 20-21 form submitted by the Agency and this determination letter will be posted on our website:


<http://dof.ca.gov/Programs/Redevelopment/ROPS/>

This determination is effective for the ROPS 20-21 period only and should not be conclusively relied upon for future ROPS periods. All items listed on a future ROPS are subject to review and may be denied even if not denied on this ROPS or a preceding ROPS. The only exception is for items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of Final and Conclusive items is limited to confirming the scheduled payments as required by the obligation.

The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of the redevelopment dissolution law. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax increment is limited to the amount of funding available to the Agency in the RPTTF.

Please direct inquiries to Mindy Patterson, Supervisor, or Mark-Anthony Lacy, Staff, at (916) 322-2985.

Sincerely,



JENNIFER WHITAKER
Program Budget Manager

cc: Marie Marron Berkuti, Finance Director/Treasurer, City of Solana Beach
Jon Baker, Senior Auditor and Controller Manager, San Diego County

Attachment

Approved RPTTF Distribution July 2020 through June 2021			
	ROPS A	ROPS B	ROPS 20-21 Total
RPTTF Requested	\$ 50,098	\$ 101,004	\$ 151,102
Administrative RPTTF Requested	0	0	0
Total RPTTF Requested	50,098	101,004	151,102
RPTTF Authorized	50,098	101,004	151,102
Administrative RPTTF Authorized	0	0	0
ROPS 17-18 prior period adjustment (PPA)	(50,098)	(93,456)	(143,554)
Total RPTTF Approved for Distribution	\$ 0	\$ 7,548	\$ 7,548

**Amended Recognized Obligation Payment Schedule (ROPS 20-21B) - Summary
Filed for the January 1, 2021 through June 30, 2021 Period**

Successor Agency: Solana Beach

County: San Diego

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	ROPS 20-21B Authorized Amounts	ROPS 20-21B Requested Adjustments	ROPS 20-21B Amended Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 44,450	\$ (44,450)	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	44,450	(44,450)	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 101,004	\$ 44,450	\$ 145,454
F RPTTF	101,004	21,200	122,204
G Administrative RPTTF	-	23,250	23,250
H Current Period Enforceable Obligations (A+E)	\$ 145,454	\$ -	\$ 145,454

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/ _____
Signature Date

Solana Beach
Amended Recognized Obligation Payment Schedule (ROPS 20-21B) - ROPS Detail
January 1, 2021 through June 30, 2021

Item #	Project Name	Obligation Type	Total Outstanding Obligation	Authorized Amounts					Total	Requested Adjustments					Total	Notes
				Fund Sources						Fund Sources						
				Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		
			\$5,213,362	\$-	\$44,450	\$-	\$101,004	\$-	\$145,454	\$-	\$(44,450)	\$-	\$21,200	\$23,250	\$-	
2	Trustee Services	Fees	\$64,000	-	-	-	-	-	\$-	-	-	-	-	-	-	\$-
3	Continuing Disclosure	Fees	\$38,100	-	1,200	-	-	-	\$1,200	-	(1,200)	-	1,200	-	-	\$-
4	Arbitrage	Fees	\$20,100	-	-	-	-	-	\$-	-	-	-	-	-	-	\$-
21	Legal Services	Litigation	\$160,000	-	10,000	-	-	-	\$10,000	-	(10,000)	-	10,000	-	-	\$-
22	Successor Agency Administrative Expenses	Admin Costs	\$1,658,600	-	23,250	-	-	-	\$23,250	-	(23,250)	-	-	23,250	-	\$-
24	2017 Tax Allocation Refunding Bond	Bonds Issued After 12/31/10	\$3,112,562	-	-	-	101,004	-	\$101,004	-	-	-	-	-	-	\$-
25	Legal Services	Litigation	\$160,000	-	10,000	-	-	-	\$10,000	-	(10,000)	-	10,000	-	-	\$-